

**Planning Commission Meeting
MINUTES**

September 5, 2007

The meeting was called to order at 7:05 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

Members present were: Bobb Carson, Scott Douglas, Walt French, Bruce Fritchman, Pete Lamana, and Barbara Lindtner.

Bob Wynn, Township Engineer; Terry Clemons, Township Solicitor; Rich Schilling, Township Manager; Heather Radick, Recording Secretary; were also present.

Approval of Minutes

Scott Douglas **moved** to approve the August 1, 2007 minutes as amended. Barbara Lindtner **seconded**; the motion **passed** unanimously.

Public Comments (Agenda Items) -None

Confirmed Appointments

Adler Land Development – Clay Avenue Eric Tobin, presented for the applicant, Jerry Adler. Eric Tobin noted that all items in the Township Engineer’s August 27, 2007 review letter are “will comply” issues. Based on the August 13, 2007 Township Engineer’s review letter, and the Township Engineer’s August 27, 2007 review letter, Barbara Lindtner **moved** to approve the waivers listed in Bob Wynn’s letter. Bobb Carson **seconded**. The motion **carried**. Walt French **moved** to approve the preliminary plan based on satisfying Bob Wynn’s August 27, 2007 letter. Scott Douglas **seconded**; the motion **carried**.

Rolling Hills – Route 212 & Slifer Valley Road Robert Gundlach and Kim Freimuth, Fox Rothschild; Eric Engle and Jamie Sundermier, DelVal Soils; and Ron Jackson, Boucher & James; presented for the applicant, Bob Harrington of HMH Limited Partnership. Barbara Lindtner asked Kim Freimuth to discuss the outstanding issues based on the August 13, 2007 Engineer’s review letter. Kim Freimuth requested to discuss the well monitoring plan first. Eric Engle spoke about the well monitoring plan, stating that in September 2006, the first groundwater monitoring plan was submitted. In October 2006, Eric stated he came back and discussed it with the Commission, and revised it with some of the Commission’s comments. In March 2007, a groundwater monitoring plan was resubmitted with the township’s revisions. The revisions included relocating a test well to a more central location, and a proposal of additional observation wells and piezometers to monitor on site wetlands and streams. They also attempted to contact neighbors to get additional offsite monitoring wells, and noted that they have received drilling permits. They would like to know if the testing plans are approved so well drilling testing can begin. Jamie Sundermier stated that the plan was received by the township on August 31, 2007. Eric Engle noted that the only changes on the plan are the piezometer’s positions and where the offsite wells are located. Barbara Lindtner asked how many offsite wells there will be, and Eric Engle replied there are 6.

Bobb Carson noted that last November, Eric Engle told the Commission that a veracity of permeability in the Brunswick formation was fracture control, and the positions of the test wells were sighted to reflect liniments or fracture traces. Bobb Carson recalled asking Eric for aerial imagery with interpretation showing where the fracture traces were, and noted he never saw these requested items. Bobb Carson stated that if it is true that the fracture permeability and veracity are fracture controlled, then the position of the observation wells can't be evaluated without knowing where the fractures are. Bobb Carson referenced 4085 D of the SALDO plan, explaining that a critical evaluation cannot be made in regards to the position of the observation wells until they know where the fracture traces are. Eric Engle replied that typically to draw down bedding, orientation is used, which is how he proposed the observation wells. Bobb Carson stated that is not what he was told last time, noting that the Commission was told it was fracture control, and that a fracture trace ran through the property. Robert Gundlach asked what specific information is needed and what form the Commission would like it in. Bobb Carson answered aerial photos, and the hydro geologist's interpretation of those photos in the form of lines drawn on the overlay to define the strike. Eric Engle stated that if they are true fracture traces they will probably be vertical, unless they are running along the bedding. Bobb Carson responded that they can be vertical or horizontal or anything in between. Eric Engle stated that they are not necessarily faults, just fractures. Bobb Carson asked to be provided any information they have about them, so the Commission will know where it will make sense to place the observation wells.

Robert Gundlach asked Bobb Carson to confirm that the sole purpose of the Commission needing raw aerial photos with hydro interpretations and lines drawn on the plans showing the surface traces is to determine if the monitoring wells are in the proper location. Bobb Carson responded that the ordinance says the township is to approve the monitoring wells that are to be constructed to allow for construction of hydrographs. The hydrographs will be constructed when the pump test is done, but the hydrographs may or may not be meaningful depending upon the position of the observation wells. Bobb Carson explained that the observation wells need to have some hydrologic connection to have meaningful data from the pump tests. Robert Gundlach asked Bobb Carson where else the observation wells can be placed. Bobb Carson replied they can be placed anywhere on the property. Robert Gundlach asked Bobb Carson if the Commission is looking for an answer from DelVal as to why they selected the location of the observation wells as they did. Bobb Carson replied yes. Robert Gundlach asked Bobb Carson if the Commission is then going to review that data to see if they agree with their analysis, or if they think the observation wells should be relocated. Bobb Carson agreed, noting that they may need to have additional wells on the property. Robert Gundlach asked Eric Engle how many observation wells there are on the property, and if there are any off site wells. Eric Engle stated that there are 3 observation wells on the property and 6 offsite monitoring wells. Bobb Carson noted that the offsite monitoring wells are going to be pumped, whereas the onsite wells will be un-pumped wells. Robert Gundlach asked Bobb Carson if this information being requested has been asked of other applicants that have submitted these plans for approval, because he is not familiar with other applicants being put through this. Bobb Carson responded that any applicant that comes in and tells him that the permeability is fracture controlled would get the same question, noting that no one has come in and said they have fracture controlled permeability in his tenure with the Commission.

Terry Clemons stated that it seems there is a desire to have some basis for agreement that the observation wells are hydro-geologically connected with the test wells, so there would be an accurate measurement for a determination for the liniment draws down from the wells. He stated that there is usually an aerial plan that shows fractures that are interpreted by the hydro- geologist. Bobb Carson said the fracture traces are required in the subdivision ordinance for the water resources plan in any case, and the request was made to Eric Engle at a previous public meeting with no information forthcoming. Robert Gundlach stated that they had submitted a plan with permit applications and also have not received a reply. Terry Clemons

replied that there have been Planning Commission meetings where this issue could have been discussed, with requests made of the consultants of the applicant, but that has not occurred. Robert Gundlach stated the information will be sent to the Township Engineer to relay to the Planning Commission. Barbara Lindtner directed the applicant to send the information to the Planning Commission. Robert Gundlach stated he is not going to wait a month to come back with the information. Bobb Carson stated that he has had correspondence with the township Zoning Officer regarding the letters Robert Gundlach had been sending. He does not think the Township had sufficient information to issue the permits. Bobb Carson repeated that the request made of Eric Engle back in November 2006 was forthright and straightforward, and he would be happy to expedite and move forward with this when they receive that information. Robert Gundlach stated that if DeVal has the information ready and delivered on Monday, it will be sent to Bobb Carson for review. Terry Clemons asked if the Commission was comfortable with delegating Bobb Carson the evaluating the fracture trace. Barbara Lindtner replied it should come directly to the Planning Commission. Robert Gundlach stated they do not want to wait another month to bring the consultant back. Barbara Lindtner stated that the Commission was very clear last year with what they were looking for, and have not yet seen the information. Terry Clemons suggested dropping off the information to the Township to be distributed to the Planning Commission. He added that Bobb Carson will be replying with his comments and observations, and will copy the other Commission members. A determination will then be made at the October 2007 Planning Commission Meeting. Terry Clemons stated the Commission needs to be in a position to give some direction about how they are going to proceed with resolving the water testing issue.

Walt French stated he is not in favor of Bobb Carson solely communicating with Eric Engle. Bobb Carson stated that if there is any communication, he will copy all the Commission members; there will be no privileged communication. Rich Schilling requested that Robert Gundlach copy the Township as well as sending any information directly to the Township. Barbara Lindtner asked if Eric Engle is clear that he will be communicating with Bobb Carson so this issue can proceed at the next meeting. Eric replied yes.

Walt French asked about the position of the test wells. Bobb Carson noted that last November, the two test wells were adjacent to each other on either side of the depression. Now test well # 2 is moved to an interior location, which addressed the issue he had with having the test wells in the same location. Walt French stated he did not understand why the test wells are located adjacent to the wetlands. Bobb Carson replied that in a previous discussion, he indicated that if you wanted to impact the wetlands, a test well in the cone of depression would lightly have an effect on the surface wetlands. They want to run a 48 hour test, and abandon the well. Terry Clemons noted that it will not be a production well.

Scott Douglas asked if they put a test well on a fracture and move the production well elsewhere, how the data being generated will be interpreted. Eric Engle replied that they will not be moving production wells, and the production well would go in with the test well as long as everything passes the test. Scott Douglas asked why the production wells are next to a wetland area. Eric Engle responded that the wells are located based on fracture trace analysis. Eric Engle stated that the testing will demonstrate if the well will impact wetlands. Walt French questioned the feasibility of the production well being located in dedicated open space. Terry Clemons noted that the ordinance permits up to 20% of open space to be used for placement of utilities. Walt French noted that the particular spot was not located in the 20%, and that both of the wells are in the center of the farmland. Terry Clemons commented that issues with the soil classification need to be addressed, and whether or not the amount of prime soils and soils of statewide importance are being preserved according to the ordinance. Scott Douglas commented that if the production wells can't go in the proposed locations, then the studies would have to be redone. Scott Douglas noted that currently there is an extremely low groundwater table that will dramatically impact the high area. Scott Douglas questioned how the piezometer data will be interpreted to determine any effects. Eric Engle replied that he

will be looking for soft areas to install the piezometers. Scott Douglas asked to see a notation in the report indicating that there is enough water in the wetlands to make a determination, and it is not based on unusual drought conditions. Scott Douglas also asked for pictures. Eric Engle stated that he should have the aerial photos by next week. Robert Gundlach stated this information will be delivered to the Township, and they will be waiting to hear from the Commission with some direction.

Robert Gundlach asked if the April 17, 2007 SAIC Geology letter could be addressed. Kim Freimuth addressed Comment 1, stating that it requires no response because the applicant is in compliance with Section 509. Jamie Sundermier stated a response to Comment 2 was provided in the July 11, 2007 DeVal letter, stating that they have previously supplied the requested information in the form of the Planning Module. Kim Freimuth stated that in response to Comment 3, they are waiting for approval for the monitoring well plan to do a pumping test and a hydrologic study. In response to Comment 4, Kim Freimuth stated that they will not be relocating the placement of the housing, the gas pipeline is where it is, and the housing is located in a place where they think it is appropriate. Barbara Lindtner asked if someone would be staying for a later discussion on soils. Kim Freimuth indicated Jamie Sundermier would be addressing that issue.

The August 13, 2007 Township Engineer's review letter was addressed. Barbara Lindtner skipped Comment 1 because it was basically a timeline.

Barbara Lindtner asked if the response to Point 2 of the Engineer's review letter was an oversight. Kim Freimuth responded that it is their position that the Township's ordinance does not indicate that easements must be removed from the net lot area. Bob Wynn and Barbara Lindtner questioned why they were on the original plan. Robert Gundlach replied that after they reviewed Bob Wynn's comments, the Boucher & James engineers determined the easements should not have been deducted. Robert Gundlach referenced section 201.58 A of the Zoning Ordinance. Terry Clemons asked Robert Gundlach on what basis the initial determination was made by the applicant's consultant. Robert Gundlach replied that it was one of Bob Wynn's prior letters suggesting that they be deducted, and after they reviewed the ordinance, they made the determination that the easements should have not been deducted. Robert Gundlach asked to see where the provisions are in the ordinance to show the easements should be deducted, and they will change it if shown where they are. Bobb Carson asked if they are subtracting the utility rights away to calculate the base site area. Ron Jackson replied yes. Robert Gundlach stated they are not being deducted to determine the lot area because there is no provision in the ordinance that says to deduct them. Bob Wynn stated that the ordinance is written to exclude those areas from developments of less than 5 lots, noting that conversely, Mr. Gundlach is saying they don't get to require their inclusion in developments of more than 5 lots. Robert Gundlach stated that it is not in the ordinance to deduct it for more than 5 lots. Bruce Fritchman stated that the ordinance is just providing exclusion for less than 5 lots, and doesn't exclude it for anybody else.

Barbara Lindtner referred to Point 3 of the Engineer's review letter about centralized water and sewage utilities on Lot 35 and the F1 use. Barbara Lindtner asked if the applicant has applied to the Zoning Hearing Board for a Special Exception and if so, what the status is. Robert Gundlach replied yes, an initial application for a Special Exception was filed when they believed it was an F1 use, but upon further review, they do not believe it is an F1 use. He stated that because the facility is an accessory to the homes located on the property and is only to be used and serviced by them; it does not rise to the level of an F1 use. Bob Wynn asked where that is stated in the ordinance, and Robert Gundlach replied by implication. Barbara Lindtner replied that the Commission disagrees. Robert Gundlach stated that the ordinance requires that this be serviced by a community facility. Barbara Lindtner noted that on lot sewer is an option. Robert Gundlach noted that they have asked if it can be connected to public sewer, and the

township responded no. Barbara Lindtner noted that there is no public sewer in the township. Terry Clemons stated the issue is whether or not a sewage treatment plant is an F1 use. After reviewing the provisions for an F1 use, Terry Clemons concluded that water and sewage facilities or public utilities require a Special Exception. Terry noted that the same opinion was also held by the developer at some point because of the Special Exception application that was filed, which has not been withdrawn but held in abates. Terry advised the Commission that both water and sewer facility are utility operating facilities under F1, and are not an accessory use.

Barbara Lindtner referred to Points 3 B and C in the Engineer's review letter regarding Lot 35. It is proposed by the applicant that Lot 35 can count towards open space, therefore if 20% of the parcel can have structures, a sewage treatment plant can be put on that lot. Barbara Lindtner noted that Lot 35 is identified as a farm land lot to be strictly used for agriculture purposes. Now the applicant is proposing an easement around the open space to encompass the limits of the community water and sewage treatment plant. Barbara Lindtner noted that at past meetings, the Commission had been clear about having no structures except agriculture buildings on Lot 35. The applicant cannot have a farm land lot with a sewage treatment plant and community water facilities. Barbara Lindtner suggested taking 20% of the open space of the entire parcel and placing the sewage treatment plant there, but not on Lot 35. Terry Clemons noted that assuming that the set asides for prime agricultural soils and soils of statewide importance are done, if an open space lot that meets the open space requirements is created the utilities could go on that lot. Robert Gundlach stated that this is shown on sheet #10. Terry Clemons restated what Barbara Lindtner explained, that the farm lot should be used only for agriculture purposes, an existing farm house and agriculture buildings. Terry Clemons feels a utility lot can be used meeting the requirements of open space. Barbara Lindtner stated that the farmhouse lot can be considered open space and can configure into the total of the open space, but cannot include structures for central sewer and water. Robert Gundlach asked what section of the Zoning Ordinance was being referred to. Barbara Lindtner and Terry Clemons noted 602 B3 of the Zoning Ordinance as amended by Ordinance 129, which was adopted on April 12, 2005. Robert Gundlach noted that the plans were filed in February 2005, and the ordinance was passed after the date the plans were filed. He also noted that Bob Wynn cited a different section in his letter. Terry Clemons noted that section 512 4 B on page 90 of the Zoning Ordinance states that land designated as open space may include farm buildings and existing residences and other structures related to agricultural activities on that land, and these areas may not be further developed except for the addition of farm building or other structures related to agriculture activities on the land. Robert Gundlach stated that he does not see where the ordinance is not being met and the easement is on Lot 35--there is no separate farmland lot. Terry Clemons noted that section 512 C allows for the 20% of the open space, and 512 B deals with conveyance of ownership of the open space. Bobb Carson stated that if Ordinance 129 is not in affect in this application, then there is no such thing as a farmland lot. Open space land can only have an existing residence on it, and only farm buildings can be built on that open space. Robert Gundlach disagreed, saying that 512 C of the ordinance states that not more then 20% of required open space may be used for overhead utility line right-of-way, storm water basins, or community water or sewage facilities, including septic fields. Barbara Lindtner noted on page 90 section 512 D of the ordinance also states that all lands held for open space and agricultural purposes shall be so designated on the plan, with the exception of the addition of farm buildings and other structures related to agricultural activities on that land by Special Exception. Barbara Lindtner stated the applicant needs to get a Special Exception. Robert Gundlach stated that is not their interpretation of 512 C, and he feels that it clearly allows it, and also stated he feels that this is being interpreted against the applicant. Terry Clemons stated the Planning Commission is expressing a preference to place the utilities on a separate lot from where the agricultural protection plan is. Robert Gundlach asked if the drainage fields can be taken out of Lot 3 and make it a separate open space lot. Barbara Lindtner replied that they could. Robert Gundlach responded they will examine if it can be put on a separate open space lot and comply with the other requirements. Bruce

Fritchman stated that it must be clear to the applicant that another new residence cannot be built on Lot 35. Bobb Carson stated it cannot be called a farmland lot, noting that page 90 of the ordinance states that only existing residences can be on the open space lot. Bobb Carson reminded the applicant to design it as a cluster, and that the requirements state that open space must be contiguous and configured to carry on agriculture operations. Bobb Carson also noted Section 516 that specifies all lots must be on an internal road.

Barbara Lindtner referred to Point 4 in the Engineer's review letter, noting that Laurel Mueller, in her May 22, 2007 letter, said she would be reviewing the wet lands delineation report from the applicant's consultant.

Barbara Lindtner referenced Point 5 in the Engineer's review letter, relating to 100% protection of resources. She stated that the Commission is not comfortable with deed restrictions or easements, particularly on half-acre lots, and would like the applicant to protect and respect the ordinance protecting 100% of resources, including the 75-foot margin. Robert Gundlach stated there is a portion of (it what is "it"?) on the lots. Barbara Lindtner replied that is encroachment. Robert Gundlach stated it is not shown in the ordinance, and they will not be doing it. Barbara Lindtner responded that the lots can be moved somewhere else on the 70-plus acre parcel. Robert Gundlach responded that they will lose a substantial number of lots, so they will agree to put a covenant on the lots. Barbara Lindtner repeated that the Zoning Ordinance requires they protect 100% of resources, and the Commission can enforce the encroachment. Robert Gundlach feels the ordinance does not prohibit those encroachments on the lots. Bruce Fritchman stated that when they reduce the number of lots, they should consider meeting that requirement.

Barbara Lindtner referenced Point 6 in the Engineer's review letter and the report from Soil Services. Robert Gundlach stated the Zoning Ordinance was being followed and he does not agree with the Commission's position. Terry Clemons asked that the applicant's consultant would agree that under the 1975 Soil Survey of Philadelphia and Bucks County, those soils that are classified as Arendtsville soils on the revised plan are soils of prime agriculture or soils of statewide importance. Jamie Sundermier replied that there are no Arendtsville soils specified on the 1975 plan. Terry Clemons asked if Jamie Sundermier agreed that the soils that are identified as Arendtsville under the 2002 plan have the same characteristics as the Allenwood soils under the 1975 plan. Jamie Sundermier replied they do not have the exact same characteristics. Terry asked Jamie Sundermier if the dirt on the property that has been characterized as Arendtsville soil would be classified under the 2002 study as either prime agricultural soils or soils of statewide importance. Jamie Sundermier replied that is correct. Terry Clemons stated that substantially, those same soils would be classified under the 1975 study as Allenwood soils and considered as prime soils or soils of statewide importance. Terry Clemons noted that they have chosen the 2002 study as their reference, and since they did not use the 1975 study, then these soils aren't of importance from following the ordinance. Terry Clemons noted that the 1975 study is where the definitions are taken from in the Zoning Ordinance. Barbara Lindtner stated the fact is that there are over 53.4% of prime soils and soils of statewide importance that have been not been mapped, and the entire site is prime and statewide. Barbara Lindtner asked if they going to revise the plan based on the report that was issued from Soil Services Company. Jamie Sundermier said they are not going to revise the plan, and will be preparing a response letter to the review.

Barbara Lindtner passed over Point 8 of the Engineer's review letter, feeling it will change on the proposed plan.

Barbara Lindtner passed over Point 9 of the Engineer's review letter.

Barbara Lindtner referenced the waiver requests, specifically Point 10 G on the Engineer's review letter, giving direction to build a recreation area and a tot-lot. Barbara Lindtner noted that the ordinance says that a recreation area needs to be built in a development with 25 houses or greater. Bobb Carson noted the Commission also indicated they are not going to approve a sidewalk off of Route 212, and the subdivision should be reconfigured with internal paths to connect the subdivision internally. Bobb Carson explained there should be 2 entrances to Route 212, not 3. Any cul-de-sac should come off the existing road. Bobb Carson noted that it is clearly not a village center and walkways are not appropriate on the external boundaries. For safety reasons, the Commission does not want pedestrians walking along Route 212. Robert Gundlach asked if the Commission would like the walkway to cross the riparian, noting that the riparian runs from the top to the bottom of the property. Bobb Carson noted the Commission allows for roads to cross riparian areas with Special Exceptions, and the whole subdivision can be done with internally with sidewalks, internal roads and only 2 accesses to Route 212.

Barbara Lindtner referenced Point 11 of the Engineer's review letter, explaining that a cul-de-sac is only permitted if it is proved it is not feasible to do a thru road, and the applicant has not met that burden of proof. Robert Gundlach stated that they feel they have satisfied the requirement. Barbara reminded the applicant's engineer that they have the acreage, and they have to do the work to create a better designed plan. Barbara Lindtner stated that the Commission wants responsible development.

Barbara Lindtner noted she would come back to Point 12 on the Engineer's review letter because the traffic impact study will change depending on the road lay out and the number of lots.

Barbara Lindtner referenced Point 13 of the Engineer's review letter, and asked how is it that there are soils to do the storm water management basins, but they are not being mapped as part of the ordinance that says you have to protect them. Jamie Sundermier replied they don't believe that mapped anything according to the 2002 study for the storm water. Barbara Lindtner responded that they used the 2002 study to map the whole subdivision.

Barbara Lindtner addressed Point 15 of the Engineer's review letter, noting that they have to act on Component 4A for the Sewage Planning Modules. Bobb Carson stated that because the ordinance indicates that the Township can assume ownership of the waste water facility at any time in the future, the Township needs to be concerned with a number of issues related to reliability, treatment performance, malfunction response, maintenance and operation procedures and costs. Specifically, these issues include: performance of equivalent units installed by the manufacturer over the past 10 years; identification and evaluation of factory-authorized installation and maintenance contractors for our area and their record of bringing systems to operate consistently to design specifications; response time for malfunctions; noise levels during plant operation; does the proposed system meet Best Management Practice standards? For example, does it provide redundancy of all electro mechanical controls including the drip irrigation valves, controlled treatment of all sewage independent of flow variations, can it be configured with a fiber reinforced plastic tank or concrete tank, (the currently proposed steel tank is unacceptable), does it provide programmable solid state controls for all control functions, and do those controls adapt to variable flow volumes to optimize treatment and to reduce power consumption, does it provide digital data recording and remote monitoring of all operational functions and necessary wastewater conditions, is there a 24/7 alarm system with multi-notification nodes so the that owner, maintenance provider, and township sewage officer are immediately notified of any malfunction? Furthermore, the Commission needs a detailed breakdown of the construction cost versus estimated life cost, so that a realistic annual replacement fund cost may be calculated, and what the anticipated electrical consumption is. The Commission wants to be sure that the proposed plant will operate efficiently with low power consumption. They also want to see costs for annual service contracts and repair from the manufacturer.

Barbara Lindtner asked if there was a cost estimate done. Jamie Sundermier replied they have provided the operating costs. Bobb Carson stated he would like to see the energy costs broken out. The Commission needs to know how they propose to accomplish de-nitrification, with the detailed mechanism for providing low levels of nitrate in effluent. Jamie Sundermier stated they can certainly provide that information.

Barbara Lindtner referenced the SAIC report of July 6, 2007. She stated the soils mapping issue is raised 3 times, noting that there are soils of statewide importance and prime soils that are not identified and are not being preserved. Terry Clemons asked if the development could be designed pursuant to the Act 537 Plan and use on lot sewage disposal. Robert Gundlach noted that 602 B lists different options and they have selected to do clustering 1 b12 which provides for half-acre lots, which requires that they use a public or private water supply. Terry Clemons stated the question is whether or not a feasible development could be designed using individual on lot sewage. Terry Clemons feels the issue is that because the ordinance permits a type of development, a developer feels they have a right to use that on any tract of land. Terry explained that a site can be developed, but certain site specific criteria must be met, and they need to have a site where these issues will work. Barbara Lindtner raised issue with DelVal's remapping, asking how they feel they cannot be affecting prime soils. Jamie Sundermier replied it was based on their soil remapping. Robert Gundlach stated that he feels DelVal is a reliable soil science consultant. Bobb Carson noted that it was stated as a fact in the June 13, 2007 memo to Terry Clemons from Kim Freimuth, in which it was written that it is true that ARB and ARC are recognized by the USDA as prime agricultural soils and soils of statewide importance respectively. Bobb Carson stated that Kim Freimuth noted the soils are there, and the Township needs to respond noting that the soils are being affected. Jamie Sundermier stated the soil remapping was done based on the Zoning Ordinance. Terry Clemons noted that the issue needs to be resolved, as it is critical to site lay out, If the planning modules need to be reviewed, it is incumbent to act on the plan.

Bruce Fritchman stated that if the applicant refuses to do what the Commission believes the ordinance says they are required to do, the Commission has an obligation to act on the plan. Barbara Lindtner agreed. Barbara Lindtner stated the implication of the soil mapping has far reaching effects for density that is in favor of applicant. Since the applicant is not willing to revise something that is critically important, action needs to be taken on the waivers and the Sewage Planning Modules.

Referencing the waivers as highlighted in the Township Engineer's August 13, 2007 review letter A through H, Barbara Lindtner **moved** to deny the waivers. Pete Lamana **seconded**. The motion **passed** unanimously.

Barbara Lindtner **moved** to deny the plan, with all the review letters from Soil Services, SAIC, based on the outstanding issues in Bob Wynn's letters, with the most recent dated August 13, 2007, and all of the correspondence from DelVal, Rothschild and Clemons offices, and the apparent unwillingness of the applicant to revise the soil mapping. Bobb Carson **seconded**. The motion **passed** unanimously.

Barbara Lindtner stated that action needs to be taken on the Sewage Facility Planning Module. The Planning Commission is to make a recommendation to the Board of Supervisors required by Section C. Barbara Lindtner answered the following questions:

Is there a municipal comprehensive plan adopted under municipal planning code? - Yes.

Is this proposal consistent with the comprehensive plan for land use? - No. The inconsistencies can be referenced in Bob Wynn's August 13, 2007 letter, the SAIC letters, and the Soil Services Company letters dated July 19, 2007 and May 22, 2007.

Is this proposal consistent with the use development and protection of water resources? - No.

Is this proposal consistent with municipal land use planning relative to prime agricultural land preservation? - No.
Does the project propose encroachments, obstructions, or dams that will affect wetlands? - No.
Will any known historical or archeological resources be impacted by this project? - None as proposed.
Will any known endangerment or threatened species, plant or animal be impacted by this project? - Not as proposed.
Is there a municipal zoning ordinance? - Yes.
Is this proposal consistent with the ordinance? - No.
If no, describe the inconsistencies. (See reports).
Does the proposal require a change or variance to the existing comprehensive plan or zoning ordinance? - No.
Have all the applicable zoning approvals been obtained? - No.
Is there a municipal subdivision and land development ordinance? -Yes.
Is this proposal consistent with the ordinance? – No, citing the SAIC letters, Soil Services letter
Is this plan consistent with Municipal Act 537? - No.
Are there any wastewater disposal aids in the area adjacent to this proposal? - No.
Has a waiver for sewage facility planning requirements been requested for the residential tract of this subdivision? - No.

Barbara Lindtner **moved** to send the Sewage Planning Module Component 4a on to the Board of Supervisors. Scott Douglas **seconded**. The motion **passed** unanimously.

Plans to Accept for Review Only - None

New Business – None

Old Business – None

Correspondence - None

Public Comment - None

Planning Commission Comments (Work Session)

Bobb Carson suggested that one copy of reports on items such as wastewater management, wetlands, etc., be made available for a specified Planning Commission member. Bob Wynn offered to give extra copies of his reports since he receives two copies. Barbara Lindtner announced that the Zoning Ordinance will be coming back from the Bucks County Planning Commission soon. She noted that Scott MacNair will be preparing a summary of the substantive changes for the Board of Supervisors so they will be prepared for the October 2, 2007 public meeting. Barbara Lindtner noted that the Thursday work sessions will resume because the Planning Commission will be working on the Cook's Creek overlay district. Barbara Lindtner asked Rich Schilling to contact the Bucks County Planning Commission about the Cooks Creek overlay. Bobb Carson noted that Bob Wynn, Bobb Carson and Rich Schilling reviewed the responses received from the RFP to revise Act 537. They will be interviewing the top firms selected from those applications tomorrow, September 6.

Adjournment

At 9:45 p.m., Barbara Lindtner **moved** that the meeting be adjourned. Pete Lamana **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Heather Radick
Recording Secretary

Next meeting: Wednesday, October 3, 2007
Approved: Wednesday, November 7, 2007