

**Planning Commission Meeting
MINUTES**

January 2, 2008

The meeting was called to order at 7:10 p.m. by Chairperson Barbara Lindtner and opened with the *Pledge of Allegiance*.

Members present were: Bobb Carson, Scott Douglas, Bruce Fritchman, Pete Lamana and Barbara Lindtner. Bob Wynn, Township Engineer; Terry Clemons, Township Solicitor; Rich Schilling, Township Manager, and Heather Radick, Recording Secretary, were also present.

Approval of Minutes

Pete Lamana **moved** to approve the December 5, 2007, minutes with Bobb Carson's revisions. Bruce Fritchman **seconded**; the motion **passed** unanimously.

Public Comments (Agenda Items) –None

Sketch Plans

Katelas – Highpoint Rd - Scott Mease, Mease Engineering, presented for the applicant John Katelas, who was also present. Scott Mease explained the property is 10.5 acres with an existing house and garage located in the AD district. The applicant would like to subdivide the property into 2 lots. Lot 1 is proposed to be 5.5 acres and Lot 2 would be 4.5 acres. Scott Mease noted that there are high tension power lines crossing the property and a watercourse traverses the property from west to east. He pointed out there is 250 feet total width for the watercourse margin. Scott Mease stated he spoke with Terry Clemons in regards to the wording in Section 515B of the new ordinance. Scott explained that it was suggested the applicants put a sketch plan together and come before the Commission. He explained that the parcel was originally part of a 1977 subdivision and was Lot 5 of that subdivision. Scott Mease stated that under 1975's ordinance, a road was required to be built for a 5 lot or more subdivision. The 5 lot subdivision was approved and built in 1977 without an internal road. Scott Mease referred to wording in Section 515, stating that if it can be proved that it is not feasible to build a road, a property can be subdivided as a 2 lot subdivision without an internal street. Scott Mease stated that on this property there are too many obstacles for a road to be constructed for reasons including steep slopes, possible additional watercourse margin crossing, and the location of existing site improvements.

Barbara Lindtner asked for the road frontage. Scott Mease replied it is approximately 220 feet. Bruce Fritchman stated that he does not agree with Scott Mease's interpretation of the ordinance. Bruce Fritchman explained that an internal road should have been done in the beginning. Bobb Carson asked if all of the property was subdivided at the same time. Scott Mease replied yes. Bob Wynn asked if Scott Mease knew the base site area. Scott Mease stated that although he has not done the exact calculations, he estimated a good portion of the property contains easements. Bob Wynn noted that the easements will affect the amount of density permitted.

Barbara Lindtner stated that it will be hard to get a house built without getting many waivers granted. She noted that the property looks entirely like an easement. Bobb Carson stated he does not see the property being subdivided without an internal road. He feels the property is not sub-dividable and the Township should not waive the road requirements. Terry Clemons explained to Scott Mease that in order to calculate the density, the ultimate right of way and the utilities right of way need to be subtracted out. If that number is less than 6 acres, there is not enough density to create a lot. Terry Clemons asked Scott Mease if he had done that calculation. Scott Mease responded that a rough calculation was done based off of a scan of the plan, but not from a survey. From his rough calculation Scott estimates they are "right at 2 lots". Bruce Fritchman explained it is not enough to just have room for a house and a septic system, and it is not meeting other requirements of the ordinance. Barbara Lindtner recommended that

the applicants have the base sight area calculations done. She also explained it is likely they will need to go before the Zoning Hearing Board for a variance for a road crossing the watercourse.

Baker – 412/Route 212 – Scott Mease, Mease Engineering; Scott Cope, Wildlands Conservancy and Brian Baker, Studio 26 Homes presented for the applicant James C. Baker, who was also present. Scott Mease explained that the property is located on the southwest corner of routes 412 and 212. The property is divided into two parcels. The 19 acre tract and 25 acre tract bring the total acreage of the property to 44. Brian Baker stated that they are proposing a 12 home cluster development on 44 acres. The homes would be situated on 1 acre lots, with 30 to 32 acres of open space. The proposed plan places the homes closer to the road for shorter driveways, and also proposes a walking path 1 mile in length around the property. Brian Baker stated that a vegetation survey was performed to help site the homes.

Barbara Lindtner asked if the applicants were aware of the new zoning ordinance that was passed on October 2, 2007. Barbara explained that the new ordinance calls for set asides for productive agricultural soils. Scott Mease stated that 97% of the site is productive agricultural soils. He also stated he is aware that 60% of that needs to be preserved, and the proposed road and development is designed to have the least impact on natural resources. Barbara Lindtner stated that the purpose of the ordinance in this district is to protect agricultural soils so the property can be farmed. Barbara explained that while the plan looks like it is laid out to protect natural resources, the district was formed to be keep the farmland lot contained in one contiguous lot, not open space that is divided.

Scott Mease stated that he feels productive agricultural soils would be open fields for crop land. He noted that he property is now overgrown and he could not see how it could currently be farmed. Bobb Carson stated that the property was previously a nursery, and prior to that was a farm. Scott Mease responded that the land would need to be cleared to be farmed. Bruce Fritchman stated the land does not have to be cleared to be considered farmland; it just has to have the potential to be used as farmland in the future. Bob Wynn asked if the recreation is proposed to be set aside for a homeowners association. Scott Mease replied yes. Bruce Fritchman stated he had a problem with a road going from routes 212 to 412. Scott Mease stated the ordinance does not support cul-de-sac design if a through road can be done. Bobb Carson and Bruce Fritchman stated that the proposed road is likely to become a shortcut between routes 212 and 412. Bobb Carson suggested a different road layout that does not cross the property. Scott Mease noted there is a fracture trace that runs through the property.

Barbara Lindtner referred to the December 20, 2007 Township Engineer's review letter about the farmland lot, noting that there are 2 farmland lots proposed instead of one. Scott Mease explained that the property is 2 lots with a farmland lot for each. Bob Wynn stated that the ordinance says the site area cannot be taken as 2 separate parcels while developing it all as one.

Bobb Carson asked if access for farming implements will be provided to go from one farmland lot to the other. Scott Mease stated that was not shown on the plan, explaining that the conservation easement is meant to keep the land open and no future farming was planned. Barbara Lindtner explained that the property is in the AG district and there are 90% productive soils that can be farmed on the property. She explained that the Township is trying to protect the land for the AG district and the whole farmland lot needs to be one contiguous parcel, so it is feasible to use for agricultural purposes.

Bob Wynn noted that the open space ordinance provision says those areas of land that are preserved for agricultural soils may not be available for public use. James Baker asked if the walking path makes it available for public use. Barbara Lindtner replied yes. Bruce Fritchman stated that the community can be built, but the layout should be different to meet the ordinance requirements. Bobb Carson noted that the northeast portion of the property is limestone and the southwest is not, and suggested citing the homes on the non-carbonate portion of the tract.

Pete Lamana stated that he recalls seeing drums or possibly a dump on the property. Terry Clemons asked if a Phase One was done. Scott Mease replied he was not aware of one being done. Scott Douglas stated that the drums disappeared at the time of sale, and suggested checking for buried drums.

Scott Mease stated that they are proposing on site individual wells and septic as opposed to a centralized water system. Scott Mease explained the applicants would like a walking path or sidewalk on one side of the road, and are

proposing road side swales as opposed to curbs. Scott Douglas and Pete Lamana favored a cul-de-sac instead of a through road, agreeing with Bruce Fritchman's previous comment that a through road is likely to become a shortcut. Barbara Lindtner suggested putting the cul-de-sac or loop road around the trees in the lower portion of the lot. Barbara Lindtner commented about homeowners associations, stating that she had an opportunity to speak to residents with a homeowners association in the Township. She has found that homeowners love the open space as long as they do not have to pay for or maintain it. She asked the applicants to keep this in mind when considering items like a walking path. Chuck Halderman suggested checking to see if hazardous waste remediation has been done.

Confirmed Appointments

Melchior Lot Line Adjustment – Stoneberry Way – Scott Mease presented for the applicant Ronald Melchior. Scott Mease described the property as 8.4 acres located near Route 412 on Stoneberry Way. Scott explained that Stoneberry Way is a private road, and the property adjoins 2 Bucks County owned properties. The applicant is looking to decrease their property to 3.9 acres and sell the remainder to Bucks County. Terry Clemons asked if any of the lots have frontage on a public road. Chuck Halderman responded yes, explaining there is frontage on Lehnenberg Road. Bobb Carson and Barbara Lindtner asked why the lot is drawn irregularly. Scott Mease explained that there are steep slopes and the owners are no longer able to maintain the entire 8 acres. Bobb Carson noted that there is no indication of natural resources on the plan, and the one proposed lot line on the south side is cutting into a stream valley. Karen Bedics inquired about sending a letter to the county asking for a reason for their interest in purchasing the property. Barbara Lindtner asked Terry Clemons to make an informal inquiry to the Bucks County Planning Commission.

Pete Lamana **moved** to grant the waivers as requested in the Mease Engineering letter of November 2, 2007. Bruce Fritchman **seconded**; the motion **passed** unanimously.

Bob Wynn stated that he had not received the Bucks County Planning Commission review. Barbara Lindtner asked Scott Mease to get the Commission that information. The matter was tabled, and will be taken up at the next meeting.

Cohen – Lehnenberg Road – Ed Wild; Benner & Wild, and James E. Brasted from Knight Engineering presented for the applicants Gerald and Janet Cohen. Ed Wild explained that the plan is a 3 lot subdivision proposal from a 37 acre tract. Each lot is proposed to be 10+ acres each. One lot is located on Bodder Road and the other 2 lots are proposed for access off of Lehnenberg Road through a shared driveway. Lot 1 required and received a special exception from the Zoning Hearing Board and a DEP permit to cross the area of a flood plain and a wetland. There is a question if there is an additional wetland on the property. Ed Wild noted that the area in question was walked this morning. He stated that Knight Engineering is not showing additional wetlands. Ed Wild suggested volunteering a restriction at an appropriate 200 foot depth that would preclude any disturbance in the area. Ed Wild stated he feels that the plan is compliant with the zoning ordinance. Ed explained that they would treat the area on the plan as a wetland although they are not designating it as such.

Barbara Lindtner stated that if it is determined that additional wetlands are present it will need to go before the Zoning Hearing Board and the storm water management basin will need to be relocated. Barbara Lindtner stated that she feels if there are wetlands they need to be treated as such, and not create a self imposed restriction. Ed Wild stated they have submitted a wetland delineation report, revised November 8, 2007 explaining why the area does not qualify as a wetland.

Bobb Carson stated he was present during the site visit. From his examination of the plan and the walking tour, he feels that the soils are incorrectly mapped. He explained that in the swale leading from the ponds to the Martin property, the plan indicates the presence of either Manor or Gladstone Loam. Those types of loams are characterized as being well drained and greater than 6 feet to a seasonal water table. Bobb Carson recalled from the site visit that water was discharging to the swale which indicated, at a minimum, a seasonal high water table. He stated the soils need to be mapped correctly. Barbara Lindtner agreed stating she is not convinced either, and suggested possibly having Soil Services review it. Barbara explained if the soils cannot handle the proposed storm water facilities and increased impervious surface, then the Township is left to remediate it. Bobb Carson explained

if they are in fact wetlands, the proposed plan is not going to work. Ed Wild asked why it does not work. Barbara Lindtner responded that if there are wetlands present, the storm water retention basin needs to be relocated and the driveway approved to cross the wetlands. Ed Wild stated that the soils do not have the character that qualifies them as wetlands and stands by the wetlands report.

Bobb Carson **moved** that the Commission acquire an independent assessment of the wetlands report on the property, with field visits. Barbara Lindtner **seconded;** the motion **passed** unanimously.

James Brasted described the process that was used to determine wetlands. He explained that the methodology used is called the planned community assessment procedure. James stated that one probe was done in the area, and it was found the vegetation and soils did not meet the requirements to be considered wetlands. The standing water for the Army Corps of Engineers is based on the growing season, and not the winter months. The criteria from the Army Corps of Engineers say that the standing water that is present is from the growing season. Scott Douglas pointed out that trees that are planted on the property are dying from wet roots.

Scott Douglas noted the presence of steep slopes on the property and asked how runoff from the driveways will be handled. James Brasted answered that a berm with a storm core outlet structure design will help filter out any sediment. Bobb Carson asked what happens when the stone core clogs up with sediment years down the road. James Brasted replied there is maintenance procedure, but did not have the information on the procedure with him. Scott Douglas expressed concern of collecting runoff water across the driveways. Scott Douglas asked if the driveways are proposed to be paved. Bob Wynn and James Brasted replied yes.

Barbara Lindtner asked if they would consider changing or shortening the driveway if basin 4 would need to be moved because of the soils not being able to support that type of basin. James Brasted said it would be need to be looked at, and stated that the position of the driveway was based on the sight distance and from direction received by the Planning Commission at a previous meeting. James noted that relocating the driveways could possibly increase distribution to the site. Barbara Lindtner asked if is there is enough space to relocate the basin between the road and the shared driveway. James Brasted responded that much of that area is wooded that it needs to be looked at.

Bruce Fritchman described the area that carries the wetlands as broad with heavy underbrush, which helps reduce the flow of water in that area. He stated he was concerned that if that area gets cleared it may cause more runoff. Bruce inquired about placing a conservation easement on that portion of the property to assure it would stay in its present state. Ed Wild responded that they would have no objection to satisfying that request, and will be looking into a building envelope concept per Barbara's request.

Bobb Carson referred to the November 23, 2007 Township Engineer letter, Point 4 D and waivers for roadside improvements on Lehnenberg and Bodder roads. Bobb Carson raised the issue that this may be the time to upgrade road shoulders and swales, noting that improvements were to be done at the time of the previous subdivision. Rich Schilling and Barbara Lindtner noted that there are serious water issues on Bodder Road. Bobb Carson stated he feels the improvements should be done and would not support the fee in lieu of road improvements. Bob Wynn stated that he did not have an answer to the road improvements issue currently, but will in the future.

Barbara Lindtner **moved** to recommend plan denial unless an extension is received before the January 8, 2008 Board of Supervisors meeting, based on the outstanding issues in the October 23, 2007 Township Engineer's review letter. Bobb Carson **seconded;** the motion **passed** unanimously.

Plans to Accept for Review Only – None

New Business – Grading Ordinance

Bob Wynn stated he will have Microsoft documents of the Grading and Storm Water Management ordinances made for Commission members before the January 17, 2008 Planning Commission work session. Barbara suggested the Commission review the documents, then share their comments and suggestions with each other and have an open discussion at the work session. Bob Wynn also offered to acquire Best Management Practices

manuals at \$45 a copy for Commission members, amount of copies to be determined. Barbara Lindtner suggested the Commission take a look at the revisions to the SALDO and email Bob Wynn with questions, changes and comments. Barbara suggested discussing SALDO first at the work session, and then be prepared to take action and make a recommendation to the Board of Supervisors at their January 22, 2008 meeting. Barbara Lindtner suggested the Commission also discuss the proposed Grading Ordinance and Storm Water management during the work session.

Storm Water Management Ordinance

Scott Douglas asked who determines the amount of rainfall depth for 2, 5, and 100 year storms. Bob Wynn replied DEP. Scott Douglas stated that a change has been made in the 100 year storm level. Solebury Township is planning to make changes in their ordinance to compensate for the changes. Bob Wynn will get Scott Douglas the information and what Solebury is proposing to do. There was a lengthy discussion about storm water level determination.

Bruce Fritchman asked if the Delaware River North Watershed includes Cook's Creek. Scott Douglas replied yes. There was a lengthy discussion on Cook's Creek watershed. Scott Douglas will call Lynn Bush about getting an EV water study.

Old Business – None

Correspondence – None

Public Comment - None

Planning Commission Comments- None

Planning Commission Work Session

Adjournment

At 10:50 p.m., Scott Douglas **moved** that the meeting be adjourned. Bobb Carson **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Heather Radick
Recording Secretary

Next meeting: Wednesday, February 6, 2008