

**Planning Commission Meeting
MINUTES**

December 7, 2005

The meeting was called to order at 7:05 p.m. by Chairman Jim Brownlow and opened with the *Pledge of Allegiance*.

All Members present: Jim Brownlow, Stefanie Campbell, Bobb Carson, Scott Douglas, Walt French, Pete Lamana and Barbara Lindtner. Bryan McAdam, C. Robert Wynn Associates, was present.

Planning Commission Comments

Scott Douglas requested that all final comments and feedback about the Sourcewater Protection Plan of Springtown be turned in to him by December 15.

Jim Brownlow asked for a review of the process for receiving/accepting plans. When the plan is submitted to the Township, the initial review is done by the Planning Commission secretary to ensure that all components of the plan have been submitted. Then, two copies of the plan are forwarded to the Engineer's office. The determination of whether a plan is "technically" complete is made by our Engineer. The plan appears on the agenda at the next Planning Commission meeting and at that time, it is either accepted or denied by the Commission, in consultation with our engineer. The "clock" begins when the plan first appears on a Planning Commission agenda.

There was discussion about changing the fee structure to include a non-refundable Submission Fee in addition to the Application and Escrow fees now collected. This would cover the Engineer's fee to do the technical review to determine if the plan is complete. Bryan McAdam felt we might be adding unnecessary steps to the submission process. It is very unusual to have a plan submitted that is so incomplete as to require denial.

Jim Brownlow asked that Bryan McAdam draw up a policy including the proposed new submission fee for review and possible adoption by the Board of Supervisors.

Approval of Minutes

Pete Lamana **moved**, Bobb Carson **seconded**, that the minutes of the November 2, 2005, Planning Commission meeting be approved as distributed. The motion **passed** unanimously.

Public Comments (Agenda Items)

Dennis Steskal questioned why the agenda on the website contained Rolling Hills but they were not on the agenda being discussed. It was noted that an extension had been received from Rolling Hills, and thus, no action was required.

Confirmed Appointments

The Crossroads Subdivision – Preliminary Plan (Trolley Bridge Road) – Scott Guidos, Van Cleef Engineering Associates, presented for the applicant Callowhill Construction, who was also in attendance. Christopher Zentgraf, attorney for the applicant, was also present.

This 107+ acre project is located in four townships and two counties. In the present layout, there are 6 lots within Springfield Township with no roads proposed in Springfield Township. The only stormwater management component in Springfield is an underground storm sewer.

Referring to Bob Wynn’s November 9, 2005, review letter, he stated that most items are “will comply.” The applicant requested Planning Commission comments about Item 2 under “Discussion” regarding the need to have a road fronting within Springfield Township to service the Springfield Township lots. A lengthy discussion followed regarding various options for accessing the six lots in Springfield Township.

Walt French brought up the school district letter that was received from Palisades School District and the school district problems that are inherent in this subdivision. Attorney Zentgraf indicated that as soon as they had met with all four Townships, they planned to contact the school district to discuss their concerns.

Item 3 of the Engineer’s review letter indicates the Springfield/Milford Township boundary line is incorrectly shown on the subdivision plans. Mr. Guidos will provide a 24-page memo which they feel proves that the township lines shown on their plans are correct.

Jim Brownlow inquired about the large size of the six lots in Springfield Township. Mr. Guidos stated that the reason for the long lots was because there are power lines running across the rear of each of the six lots. An unsuccessful attempt was made to sell the back portion of the lots to an adjacent homeowner. They will be requesting a waiver because of the lots depth to width ratio, but they will also be deed restricting these lots if they remain as presently shown. There was some discussion about cutting off the back portion of each lot and selling it as one large lot, possibly for agricultural use.

No action was requested or taken on this plan.

Reed Lane Subdivision (Reed Lane) – Ed Bender, All County and Associates, Inc., presented for the applicant, Bob Harrington. Mr. Bender stated that all but a few details have been accomplished from the November 3 Engineer’s review letters. He will fax a copy of the NPDES Permit both to the Engineer and the Township. He asked whether the 25-mph speed limit signs approved by the Board for Reed Lane had been installed yet. This will be followed up with the Road Department by the recording secretary.

Walt French **moved**; Pete Lamana **seconded** that a recommendation be made to the Board of Supervisors to grant final approval for Reed Lane Subdivision based upon satisfactory completion of the outstanding items listed in the November 3 Engineer’s review letter. The motion **passed** unanimously.

Bobb Carson brought up a question about whether wetlands that are defined by the applicant or his agent are verified to be wetlands by anyone other than the applicant or his agent. Bobb is concerned about this. He noted that this plan does not contain a note that a wetland specialist had verified the wetland boundary. In this particular subdivision, development is taking place very close to the boundary of the wetlands. If there is an error in wetland delineation, development could be taking place on wetlands. Mr. Bender commented that Nockamixon Township requires a JD (jurisdictional determination) for every wetland delineation from an Army Corp certified individual. Jim Brownlow felt that this concern should be shared with Charlie Schmehl to ensure that it is appropriately covered in the zoning ordinances currently being revised.

Bryan McAdam was asked to check with Bob Wynn about possible wording that could be used to clarify this in our zoning revision.

Cohen-Martin Lot-Line Adjustment (Lehnenberg/Harrow & Bodder Roads) –

Although there was no official representative present for this plan, the Members discussed several issues relating to it.

Barbara Lindtner expressed some concern about what bearing this lot-line adjustment would have upon the pending Cohen Subdivision.

Walt French indicated that he felt the deed restriction which is on the current Martin property should also be upon the 7 acres of new land they would acquire through this lot-line adjustment. Bobb Carson added that it should be noted on the current plan that these additional 7 acres are also deed restricted.

Walt French questioned whether the use of the Martin property would expand with the additional land this lot-line adjustment would provide for them. Bobb Carson does not feel that the Planning Commission should be involved in determining what a private land owner does with their property, as long as it is not in violation of our ordinances.

Pete Lamana **moved** that debate be closed on this issue; Scott Douglas **seconded**; it **passed** unanimously.

Michael Rossetti 3-Lot Subdivision (Harrow Road) – Todd Myers, Cowan Associates, Inc., presented for the applicant.

Following the discussion with the Planning Commission Members at the November 2 meeting with regards to street improvements, Mr. Myers met with Bryan McAdam at the property and discussed what road improvements should be required. They agreed that future plans will reflect these improvements: drainage swale construction, cleaning of the existing cross pipe under Harrow Road, as well as a driveway pipe with flared end sections (in-lieu-of the currently proposed trench drain).

Mr. Myers requested that the Members recommend preliminary plan approval and approval of the waivers listed under 1.A-E in the Engineer's November 29, 2005, review letter. Because the Planning Module has not been received for this plan, the Members did not recommend preliminary approval of the plan. However, Scott Douglas **moved**; Pete Lamana **seconded** that a recommendation be made to the Board of Supervisors to grant

approval of the waivers requested in Item 1.A-E in the Engineer's November 29, 2005, review letter. The motion **passed** unanimously.

Mr. Myers offered an extension on this plan to January 25, 2006.

New Business - None

Old Business

The 16th Joint Meeting of the Planning Commission/Board of Supervisors Zoning Revision Team is scheduled for January 19, 2006, at 7:00 p.m. The December meeting was cancelled because of the busy holiday schedule.

Stefanie Campbell requested that the recording secretary forward to her a copy of the consultant's recent email with the attachments that will be reviewed at the January meeting.

Correspondence

Rolling Hills Subdivision – 12/3 and 12/6/05 Letters – Attorney Gundlach granted an extension on the current Rolling Hills plan to January 31, 2006, in his letter of December 6. However, he also stated that this extension does not indicate they are in agreement with the Township Engineer's opinion that the recently submitted plan is a new plan rather than a resubmission of the existing plan.

In the December 3 letter, Attorney Gundlach requested a written analysis (i.e., legal memorandum) from Attorney McNamara upon which he based his conclusion that the recent submission was a new plan rather than a revised plan.

Walt French asked for clarification about who should have written the letter to Rolling Hills regarding this legal issue. The recording secretary noted that she was advised by both Bob Wynn and Attorney McNamara to write to the applicant, using the information both submitted to her. Before the letter was mailed, it was reviewed by both Bob Wynn and Attorney McNamara.

The Planning Commission asked the recording secretary to request a copy for them of the written opinion upon which our Attorney based his determination.

Public Comments

Dennis Steskal commented on the earlier discussion that took place about whether the word of a professional engineer could be trusted to be accurate. He stated that an engineer does not place his seal on a plan unless he is certain that the information he has supplied is accurate.

Bobb Carson stated that there was neither an engineer's signature or seal on the plan that had been discussed.

Patrice Ryan suggested that it was important that we exercise care in documenting steps we take with regard to accepting/denying plans so that we are consistent and do not

provide a basis upon which applicants can take legal issue with us on determinations we make.

Planning Commission Comments

Pete Lamana, commenting on the Crossroads Subdivision discussion, stated it is not uncommon for a road to be divided between school districts. In Telford, for example, children on one side of a street go to Penn Ridge schools while the children on the other side of the street go to Souderton schools. He is not advocating that we do that, he just wanted to make Members aware that this takes place. Barbara Lindtner wants to be certain we know where Palisades School District stands on this issue.

Barbara Lindtner asked for clarification about when and how Conservation Easements and Deed Restrictions can be used. Specifically, she is concerned that we understand what each imposes on the landowner and secondly, what is the best way for us to truly protect land from future development. There was good discussion by the Members on this issue which culminated in a request to Bryan McAdam (or our attorney) for model language for conservation easements and deed restrictions which clearly defines each term and when it might appropriately be suggested to an applicant/developer.

Jim Brownlow asked about the neighbors' concerns expressed by letter to Bob Wynn about the stormwater problems associated with the pending Reese Subdivision. Bryan McAdam added that there were definitely stormwater problems associated with the prior building on the Reese property. There was some discussion about how this problem could be corrected prior to further subdivision taking place in this area.

Jim Brownlow noted that extensions are required for both the Crossroads and Rossetti Subdivisions. Barbara Lindtner **moved** that the Planning Commission recommends denial of the Crossroads and Michael Rossetti Subdivisions unless an extension is received prior to December 13, 2005, 4:30 p.m., based upon the conditions outlined in the Engineer's review letters for these subdivisions. Stefanie Campbell **seconded** the motion; it **passed** unanimously.

Adjournment

At 9:20 p.m., Barbara Lindtner **moved** to adjourn the meeting, Pete Lamana **seconded** the motion and it **passed** unanimously.

Respectfully submitted,

Sandra L. Everitt, Secretary

Next Meeting: January 4, 2006 – Reorganization Meeting