

**Planning Commission Meeting  
MINUTES**

March 5, 2008

The meeting was called to order at 7:00 p.m. by Chairperson Bobb Carson and opened with the *Pledge of Allegiance*.

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

Bob Wynn, Township Engineer; Terry Clemons, Township Solicitor; David Taylor, Zoning Officer; and Heather Radick, Recording Secretary, were also present.

**Approval of Minutes**

Pete Lamana **moved** to approve the February 6, 2008 minutes with Bobb Carson's and Barbara Lindtner's revisions. Scott Douglas **seconded**; the motion **passed** unanimously.

**Public Comments (Agenda Items) - None**

**Sketch Plans**

**Baummer/Deinigner Tract – Pullen Station Road** – Susan Rice and Michael Tacconelli; Stout, Tacconelli and Associates, presented for the applicants Eleanor Baummer and Emil Deininger. The 28.96 acre site is situated in both Springfield and Haycock townships. Proposed lots 5 and 6 totaling 15 acres are located in Springfield Township and have frontage on Molasses Way. Lots 1 through 4 are proposed to be located in Haycock Township and have frontage on Pullen Station Road. Susan Rice wanted to get direction about the rear portion of the property and what to do about the road and the right of way. Susan explained that the township border line runs through the property which “creates” a lot in the back. The Haycock lots were to be proposed to have access off of a public street; the lots in Springfield would then not have access to a public street. Bobb Carson asked Susan Rice about the results from Haycock Township's Planning Commission meeting. Susan responded that Haycock suggested the applicants speak with Springfield to get some direction as to whether the private road (Molasses Way) is to be maintained as an easement or a right of way.

Bobb Carson stated that the problem with the proposal is that neither of the two lots in the back meets the minimum area requirement for a farmland lot. He asked Susan what they would propose to do to meet that requirement. She stated that the applicant may need to go before the Zoning Hearing Board to meet the requirements of the ordinance. Another consideration would be to create an easement going through one lot in the rear, without a cul-de-sac and only using the existing driveway. Bobb explained that the ordinance says that if there are more than 10 acres of prime agricultural soils to be subdivided; a farmland lot must be created. He suggested considering taking the field on the east side and extending it down into Haycock and making that a 9.5 acre farmland lot. Susan Rice asked whether the residential improvements could be within Haycock Township, and the farmland lot in Springfield with the Township line being the boundary line. Neither of the proposed lots in Springfield Township meets the farmland lot acreage requirements. Susan asked if the two lots in the back need access to a public road. Bobb Carson replied that all lots are required to have access to a road, public or private. There was a discussion about what constitutes a farmland lot. After a lengthy discussion, it was determined that Springfield Township cannot create a farmland lot that has a new residence built on it, even if that residence is located in another township, without getting zoning relief.

Bob Wynn agreed that the property is probably going to need some kind of zoning relief. He suggested consolidating the lots 3, 4, and 5 into one lot that would encompass the farmland lot. It would then become a 4 lot subdivision. Bobb Carson suggested possibly taking 1.5 acres of Lot 6 and adding it to Lot 5. Susan Rice asked if

Springfield Township is looking for right of way or would prefer to keep the existing road and easement. Bobb Carson replied that the Township will require a 52 foot wide right of way. Terry Clemons suggested allowing farmland lot 6 to be serviced by the driveway and not use the public right of way.

Susan Rice stated that they will take in the Commission's comments and rework the plan. They will also speak to Haycock Township about what Springfield Township is proposing.

### **Confirmed Appointments**

**Rennie Minor Subdivision – Winding Road** – Scott Mease, Mease Engineering, presented for the applicants Michael and Brigitte Rennie. Scott Mease stated that the sewage system for the existing house on Lot 1 has been replaced, noting that was the main item holding the project up. Scott Mease stated that the planning module was signed off by the Health Department and was submitted to the Township. Bob Wynn noted that he saw that documentation, and the Bucks County Conservation District approval was also received. Terry Clemons stated he will draft up a declaration of covenants, conditions, and restrictions to back up the no further subdivision restrictions.

Pete Lamana **moved** to accept the waivers requested to 504.2.D, Scott Douglas **seconded;** the motion **passed** unanimously.

Scott Douglas **moved** to accept the waivers requested for 504.2.K, Bruce Fritchman **seconded;** the motion **passed** unanimously.

Scott Douglas **moved** to accept the waivers requested to 505.16 and 506.4.A, and 512, 513 for road improvements, curbs and sidewalks, conditional upon receipt of the fee in lieu deposited in the Township's highway capital improvement fund. Pete Lamana **seconded;** the motion **passed** unanimously.

Scott Douglas **moved** to recommend final approval conditional upon the points in the September 19, 2007 Township Engineer's review letter. Robert Ritter **seconded;** the motion **passed** unanimously.

**Melchior LLA – Stoneberry Way** – Scott Mease presented for the applicants Ronald and Joyce Melchior. The proposal is to take 4.5 acres from the Melchior property and add it to adjoining Bucks County lands. Scott Mease stated he has a review letter from the Bucks County Planning Commission that states the County's purpose for acquiring the land. Terry Clemons stated that he spoke with Bucks County Park Service Director Bill Mitchell regarding the Township's inquiry regarding the county's plan for the land. The county has no intention to establish any active recreation use on the property.

Bruce Fritchman **moved** to grant final approval conditional upon the items listed in the December 21, 2007 Township Engineer's review letter. Scott Douglas **seconded;** the motion **passed** unanimously.

**Gross Tract – Winding Road** – Ed Wild, Benner & Wild; Evan Pellegrino, Urwiler and Walter; and Rick Solteck, Soil Consultant, presented for the applicant Dan Soliday, who was also present. Ed Wild stated that the revised preliminary plan is a 4 lot subdivision which is 21 acres in size. 2 lots front on Winding Road and 2 lots front on Woodcock Lane. The lot sizes range from 4.5 to 7 acres.

Ed Wild referred to the February 11, 2007 Township Engineer's review letter stating that items 1 through 3 are "will comply". Bobb Carson referred to Point 4 noting that the septic system was not relocated outside the easement area on Lot 3 as previously discussed in October 2007. Ed Wild indicated that the septic system remained in the same area due to the results of a field investigation. Bobb Carson asked if they had run any perc tests in other locations. Rick Solteck stated that they could not come up with an elevated sand mound in the proposed area because the soils had been affected by farming practices. Bobb Carson asked where on Lot 3 the perc tests were performed. Rich Solteck explained that the probes were done in random locations and were not reviewed by the Health Department because they did not meet the minimum requirements. Ed Wild offered to add an additional acre of "non-disturbance area" by restricting disturbance on the north portion of Lot 1. Terry Clemons stated he will send Ed Wild a draft of a conservation agreement to look at.

Bobb Carson referred to Points 4 A, 4B, and 4C of the February 11, 2007 Township Engineer's review letter regarding building envelopes. Bobb asked about the planned location of the housing and the possibility of buyers relocating the position of the houses. Bobb Carson suggested having a more restrictive building envelope. Dan Soliday stated that he does not have a problem with restricting the building envelope. Bobb Carson asked the applicants to propose on the plan where the houses will be located.

Jim Brownlow, who lives across Winding Road from the proposed development, asked who would be responsible for cutting the brush along the curve in the road. He also asked about stormwater management of the properties, noting that his lot is located downhill from 2 of the proposed lots. Evan Pellegrino replied that each lot has an individual stormwater retention basin with wetland plugs. Evan explained that the rate of flow off the property will be the same as the pre-development rate. Dan Soliday will resubmit a plan with restricted building envelopes.

Debbie Merrick, who owns property next to Lot 2 on Woodcock Lane, raised concern with the proximity of Lot 2's building envelope to her property line. Ed Wild stated that they would look into moving the driveway to the opposite side of the house.

Ed Wild noted that the remainder of the letter is "will comply". Ed Wild stated that the owner of Lot 4 is to maintain the tree clearing around the bend. Terry Clemons recommended dedication of additional right of way to the Township so the Township will be able to maintain the clearing. Ed Wild agreed.

Scott Douglas **moved** to grant the waivers requested to 403.2.A, Pete Lamana **seconded**; the motion **carried**.

Bruce Fritchman **moved** to grant the waivers requested regarding 403.4, Scott Douglas **seconded**; the motion **carried**.

The Commission decided to hold off on the waiver requests listed in the Township Engineer's letter (4 C regarding Section 504.2.D; 4 D regarding Section 504.2.K; 4 E regarding Sections 505.16, 506.4.A, 512.1, 513.1, and 526) in anticipation of submission of a revised plan.

Bobb Carson asked if the existing well on Lot 4 will be capped. Dan Soliday replied yes.

**Joseph Subdivision – Old Bethlehem Road** – Scott Mease presented for the applicant Meril Joseph, who was also present. The original 3 lot subdivision has now been converted into a 2 lot subdivision. Scott Mease explained that Lot 1 is approximately 43 acres in size with an existing dwelling. Lot 2 is to be made into a separate 4 acre lot. Scott referred to the December 13, 2007 Township Engineer's review letter in regards to conservation on the property. Terry Clemons explained that he spoke with Meril Joseph about putting a conservation easement on her land. Her goal is to sell her conservation easement on the property to DCNR or Springfield Township or a combination of the two. Therefore, if the Township would require a restriction from further subdivision or a conservation easement on Lot 1 in connection with the proposed subdivision, that effort would be frustrated. Furthermore, it would then not be possible to claim a tax deduction for a donated easement, if she chose to do so.

Terry Clemons stated that he knows the Planning Commission would feel better about the requested waivers if it knew if that it could be guaranteed there would be no further subdivision of Lot 1, even if Meril Joseph were to sell the property before selling or donating the development rights. Terry Clemons proposed providing an estimate of the actual cost of installing the improvements required should Lot 1 be developed, and state that the requested waivers are being granted in anticipation of a conservation easement on the property. Terry suggested requiring a contribution in lieu of constructing the improvements if the property did not acquire a conservation easement in a reasonable period of time.

Bobb Carson asked Scott Mease if the lot has been identified as a farmland lot. Scott Mease replied no, that Lot 2 is in the Resource Protection District, and no development was being proposed in the Agricultural District. Bobb Carson stated that he feels the farmland lot needs to be identified as such on the plan. Meril Joseph asked for an explanation of farmland lot designation. Bobb Carson explained that the Township requires that any property with

more than 10 acres of prime soils or soils of statewide importance in an Agricultural District must have 60 percent of the land protected and no new residences can be built on the lot.

There was a lengthy discussion about creating a subdivision on parcels that cross Agricultural District boundaries if new lots are not being created in the Ag District. Bobb Carson asked Terry Clemons for a written opinion on the matter in anticipation of another similar situation arising. It was decided that in this case, if no new lot or lot line is being created in the Agricultural District, then the farmland lot provisions do not apply.

At Bobb Carson's request for articulation of a **motion**, Terry Clemons **noted** that the applicant is actively pursuing a process to place a conservation easement on Lot 1; that the Planning Commission grant the waivers that are requested in the application conditioned upon the Township Engineer estimate of the cost of actually constructing the improvements that would be required by the ordinance on this property if fully developed; and that if a conservation easement has not been placed on the property within 3 years of the date that the record plans were recorded (unless extended by the Township) that those funds would be due from property owner at that time, and to not pay those funds would constitute a lien on the property and a note to that effect would be added to the plans. Robert Ritter **seconded**; the motion **carried**.

Scott Mease stated that the rest of the letter are "will complies." He noted that the Planning Module has been approved by the DEP, and the revised description has been submitted and approved by Bob Wynn's office.

Scott Douglas **moved** to grant final approval conditional upon the December 13, 2007 Township Engineer's review letter and the conditional waivers that were approved in the previous motion. Bruce Fritchman **seconded**; the motion **passed** unanimously.

**Rufe Subdivision – Richlandtown Pike** – Scott Mease presented for the applicant, Robert Rufe, who was also present. Scott stated they had worked on the issues referred to in the February 19, 2007 Township Engineer's review letter. Bob Wynn stated that the DEP permit is still in the approval process. Bobb Carson questioned the wording in Point 3 of the February 19, 2008 Township Engineer's review letter stating notice of no further subdivision on Lot 3 except for lot line adjustments. Scott Mease agreed to change the wording to allow for lot line adjustments which would provide for additional area to be added to one of the lots created by the subdivision. Scott stated that the conservation district approval was completed, and one of the two PennDOT permits was also received.

Pete Lamana **moved** to grant conditional final approval based on the February 19, 2007 Township Engineer's review letter, and the addition of a revision of the note on no further subdivision except for lot line adjustments among the 3 lots created by the subdivision. Scott Douglas **seconded**; the motion **passed** unanimously.

#### **Plans to Accept for Review Only – None**

#### **New Business – None**

#### **Old Business and Actions Regarding Pending Plans**

Bob Wynn noted that Section B7C1 on Page 8 of the proposed amendment to the Zoning Ordinance should be deleted in its entirety, instead of being revised. Bobb Carson suggested including the condition that Terry Clemons suggested in the January 10 memo in Article 5 Section 508 subsection B3D1. The Commission agreed. It was decided to defer the discussion on the amendments to the Forestry.

Bobb Carson **moved** to recommend the amendment of the Zoning Ordinance to the Board of Supervisors, Pete Lamana **seconded**; the motion **carried**.

Bobb Carson **moved** to recommend denial of the plans submitted by the Land Group, Pawar, Walbridge, and Dushant Sharma in the absence of extensions granted by applicants before March 25, 2008: Dushant Sharma denial based on the July 16, 2007 Township Engineer review letter and the Bucks County Planning Commission review letter of July 6, 2007; Land Group denial based on the May 21, 2007 and September 24, 2007 Township Engineer

review letters; Pawar Subdivision denial based on the January 15, 2007, April 23, 2007, July 2, 2007, September 19, 2007 Township Engineer review letters and the Bucks County Planning Commission review letter of February 7, 2007; Walbridge Subdivision denial based on the January 14, 2008 Township Engineer review letter, and the Bucks County Planning Commission review letter of December 17, 2007. Scott Douglas **seconded**; the motion **passed** unanimously.

### **Correspondence – None**

### **Public Comments**

Hans Reimann distributed a copy of an editorial from the Morning Call about protecting riparian areas to Commission members. Hans noted that the State is trying to regulate in addition to townships. Hans thought the information may come in handy for doing the Cook's Creek Watershed Overlay District.

### **Planning Commission Comments and Project Reports**

**Bruce Fritchman** briefed the Commission on his attendance at the Zoning Hearing Board meeting regarding the interpretation of ephemeral streams.

**Bobb Carson** recommended looking at the watercourse definition again.

### **Planning Commission Work Session – Discussion of CCW Overlay District**

Scott Douglas distributed PADEP definitions and interpretations of stream types to Commission members. Scott also handed a list of ways to protect the exceptional value of Cook's Creek Watershed. Scott gave Commission members a map that the Cook's Creek Watershed Association developed using GIS coverage. He proposed that the map would go into the overlay ordinance. The handouts are to be used as the basis for discussion at the next PC work session.

### **Adjournment**

At 11:00 p.m., Bobb Carson moved that the meeting be adjourned. Robert Ritter **seconded**; the motion **passed** unanimously.

Respectfully submitted,

Heather Radick  
Recording Secretary

Next meeting: Wednesday, April 2, 2008