

RESOLUTION NO. 2023-21

(Duly Adopted: 9/25/2023)

NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO CASADONTI HOMES, INC., FOR THE MAJOR SUBDIVISION OF TAX PARCEL #26-004-030 LOCATED AT 396 KING ROAD, NEW BRITAIN TOWNSHIP, PENNSYLVANIA, WHICH SAID PLANS WERE PREPARED BY HOLMES CUNNINGHAM, LLC, WERE DATED SEPTEMBER 14, 2022, AND LAST REVISED JUNE 8, 2023, CONSISTING OF 15 SHEETS, WHICH PROPOSE THE CREATION OF SIX SINGLE-FAMILY DWELLING LOTS.

WHEREAS, Casadonti Homes, Inc. (“*Applicant*”) has submitted an application for preliminary/final plan approval of a major subdivision which proposes the subdivision of Tax Map Parcel #26-004-030 into six (6) separate lots and the construction of a new single-family dwelling on five of the said lots (“*Project*”), which said lots will consist of various square footages (“*Property*”); and

WHEREAS, this proposal is reflected on a plan entitled Major Subdivision Plans for the Estates at Hill Top, prepared by Holmes Cunningham, LLC, dated September 14, 2022, last revised June 8, 2023, consisting of fifteen (15) sheets (“*Plan*”); and

WHEREAS, the New Britain Township Planning Commission reviewed the Plan at its July 25, 2023 meeting, and having found it to be in substantial compliance with the requirements of the Township Zoning Ordinance, the Township Subdivision and Land Development Ordinance, and other applicable Township regulations, recommended that preliminary/final approval be granted subject to conditions.

NOW THEREFORE, BE IT ADOPTED AND RESOLVED, that the Board of Supervisors of New Britain Township hereby grants preliminary/final approval to the Project subject to Applicant’s compliance with the following conditions:

1. Applicant shall comply with all requirements and recommendations of the Gilmore & Associates Review Letter of July 17, 2023 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein as **Exhibit “A”**. (Township Code §22-403, §22-502)
2. Applicant shall comply with all requirements and recommendations of the Bucks County Planning Commission Review Letter of November 7, 2022 unless herein

modified. A true and correct copy of this letter is attached hereto and incorporated herein as **Exhibit “B”**. (Township Code §22-403, §22-502)

3. Applicant shall comply with the Water Resource Impact Study Review #2 dated July 17, 2023, prepared by Gilmore & Associates, Inc. A true and correct copy of Review #2 is attached hereto and incorporated herein as **Exhibit “C”**.
4. Applicant has requested waivers from the following provisions of the Subdivision and Land Development Ordinance as noted in correspondence received from the Applicant dated September 22, 2022:
 - a. §22-403 & 404 - From providing separate preliminary and final plan submissions.
 - b. §22-502.D - From the requirement to show existing features within 100 feet of the tract boundary conditioned on providing an aerial map and any additional information requested by the Township Engineer.
 - c. §22-502.1.H - From providing a lighting plan.
 - d. §22-703.4.C - From the requirement that lot lines shall be drawn parallel, concentric, at right angles or radial to the street right-of-way line.
 - e. §22-705.3.C - From constructing full width road improvements along King Road, a minor collector road which requires a 60-foot ultimate right-of-way and 36-foot cartway. Widening along King Road shall be 2' of widening where 10' is required, with the following conditions:
 - (i) A 30-foot ultimate right-of-way along King Road shall be offered as an easement to the Township;
 - (ii) As noted on the Record Plan, Site Plan Note 16, all dead trees, live trees and branches interfering with the existing overhead lines shall be removed within the proposed King Road U.R.O.W;
 - (iii) As noted on the Existing Features plan, 2 utility poles shall be relocated near the proposed entrance;
 - (iv) As shown, the entrance culvert shall be replaced with a minimum 15" diameter pipe; and
 - (v) Based on a site visit, there are areas of erosion along the watercourse on both Lots 1 and 6. Any areas of erosion shall be stabilized, downed trees removed from the watercourse, and any associated permits

obtained from PADEP, as required. Notes stating this requirement should be added to the Existing Conditions Plan.

- f. §22-705.3.E - From the requirement to design private streets to the specifications of a local street related to cartway width. A 20' private street is proposed where a 28' cartway is required. This waiver is conditioned on approval of the truck-turning templates by the Fire Marshal.
- g. §22-705.3.G - From providing a 1½" mill and overlay of King Road along the subdivision conditioned upon a leveling course be installed along with 1½" of wearing course. The developer shall document the existing road conditions prior to construction.
- h. §22-705.8.C - From providing a left-side turnaround configuration for the cul-de-sac with a minimum right-of-way radius of 60 feet and a minimum paving radius of 50 feet. The plan proposes a 20-foot-wide loop road at the end of the access road.
- i. §22-705.8.F - From providing a 15-foot by 20-foot snow storage easement along the right-of- way of the cul-de-sac bulb.
- j. §22-706 - From providing curb and sidewalk along the property frontage of King Road and the proposed private street.
- k. §22-707.A - From providing pedestrian walkways or recreational trails at locations unless deemed necessary by the Board.
- l. §22-712.4 - From the detention basin facility regulations with the condition that the Rain Garden spillway for Lot 6 be raised a minimum of 6 inches above the 100-year high water elevation.
- m. §22-713.4.B - From the requirement that street trees be planted between three and five feet outside the ultimate right-of-way line and in an informal arrangement if approved by the Board. In addition, the waiver request should be revised to include a partial waiver from §22-713.4.A. to allow existing trees to partially satisfy the street tree requirement.
- n. §22-714.3.A- From providing streetlights at the intersection and turnaround conditioned on the lamp posts being installed as shown on the plan.
- o. Resolution 2007-12 - For any public improvement waivers granted, the Applicant is required to contribute a fee to the Township to cover 50% of the cost of future improvements to bring Township rights-of-way up to current standards. Based on the current waivers requested, this contribution would be required for partial road widening, curb, sidewalk, and storm sewer, if granted.

The estimated fee is based on 50% of the cost of full road improvements beyond what is proposed and recommended, which would be \$44,106.50. The fee shall be finalized prior to final approval.

5. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and sanitary sewer facilities, stormwater facilities, street trees, roadway widening, installation of curbs and sidewalks, and roadway milling and overlay; or else, install partial improvements as approved by the Township; and/or contribute a fee-in-lieu of these improvements. When contributing a fee-in-lieu of, Applicant shall be required to submit payment of 50% of the estimated cost of the required public improvements that have been waived as set forth below. This fee will be determined once the Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-700, §22-701.8, §22-903, §22-904; Township Resolution 2007-12).
6. Applicant shall contribute to the Township \$12,500.00 (\$2,500.00/dwelling unit, representing the five (5) new dwellings proposed as part of the subdivision) as a fee-in-lieu of the required park and recreation improvements contemporaneously with execution and funding of Township Development Agreements. (Township Code §22-715)
7. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$4,227.50 (\$2.50 per linear foot of existing and proposed roads within the development) contemporaneously with execution of the Development Agreement. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
8. Applicant shall pay the Stormwater BMP Maintenance Guarantee fee applied to all proposed BMPs installed within the Township for the timely installation, proper construction, and continued maintenance of such facilities by the owner of the subject property. The fee is 5% of the construction costs of all the BMPs proposed as a part of the Project, with a minimum fee of \$100.00, but not to exceed \$10,000.00. This fee will be determined by the Township Engineer once Applicant's Opinion of Probable Cost is reviewed and approved by the Township Engineer. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2021-3)
9. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP") NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, and Bucks County

Conservation District E & S Permit. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)

10. Applicant shall submit to the Township Engineer for review all necessary legal descriptions and construction cost estimates of the site improvements. (Township Code §22-406.1, §22-903, §22-904)
11. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary guarantees, agreements, easements, deeds, and declarations), all in a form and manner to be approved by the Township Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Township; Applicant shall provide proof of sufficient insurance coverage to the Township. (Township Code §22-406.1)
12. Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., all in a form and manner to be approved by the Township Solicitor. These deeds shall be accompanied by title insurance to the benefit of the Township indicating that title to these areas is free and clear of all liens, encumbrances and restrictions that could adversely affect the use of these dedicated for roadways and other proper purposes. (Township Code §22-406.1)
13. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Township's professional consultants. (Township Code §22-406.1)
14. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
15. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
16. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)
17. The plans shall be ADA compliant.
18. Applicant shall resolve with the Township Engineer, prior to recording the Final Subdivision Plans the extent of uplighting permitted for the Project, which said permission and restrictions related thereto shall be contained within the Homeowners Association documents and shall also comply and be certified by the International Dark-Sky Association.

19. Applicant shall execute a Well Depletion Agreement in accordance with the provisions of the New Britain Township Ordinance, which said Agreement shall be subject to the Township's approval.
20. The Township Solicitor shall review and approve the proposed Homeowners Association documents.
21. Conservation Easements shall be recorded on each of the Lots proposed to be created by the subdivision, the form of which said Conservation Easements shall be subject to the approval of the Township Solicitor.
22. Prior to recording the Final Subdivision Plan with the Recorder of Deeds of Bucks County, the Applicant shall meet with the Township Engineer to determine what additional vegetation along the stream shall be provided so as to meet the requirements for replanting the riparian corridor. Ground cover is required along with trees at the rate of one overstory tree and three shrubs for every 20 feet of waterway.
23. Applicant shall provide to each lot owner a plan and specifications of the on-lot sewage disposal systems, together with all operational manuals required for the use and proper maintenance of said systems.
24. Application to place a location at the end of its private street where children may stand in anticipation of being picked up for school by a school bus.

BE IT FINALLY RESOLVED, that the conditions of approval have been made known to Applicant, and this preliminary/final plan approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the approval of this Resolution. If an unconditional acceptance of the conditions is not received in writing by that date, the application for preliminary/final plan approval shall be deemed denied based upon Applicant's failure to agree to and/or fulfill the said conditions.

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NEW BRITAIN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2023-21

DULY ADOPTED, this 25th day of September 2023, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.

ATTEST:

Michael Walsh, Assistant Township Manager

William B. Jones, III, Chair

Stephanie Shortall, Esquire, Vice Chair

Gregory T. Hood, Member

Cynthia M. Jones, Member

MaryBeth McCabe, Esquire, Member

EXHIBIT “A”



GILMORE & ASSOCIATES, INC.
ENGINEERING & CONSULTING SERVICES

July 17, 2023

File No. 22-05077

Michael Walsh, Assistant Manager
New Britain Township
207 Park Avenue
Chalfont, PA 18914

Reference: 396 King Road, "The Estates at Hill Top" Preliminary Plan Review 3
Joe Casadonti, T.M.P. #26-004-030

Dear Mike:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the revised submission for the above-referenced project and offers the following comments for consideration:

I. Submission

- A. Preliminary and Final Land Development and Major Subdivision Plans for The Estates at Hill Top, as prepared by Holmes Cunningham, LLC, consisting of fifteen (15) sheets, dated September 14, 2022, last revised June 8, 2023.
- B. Post Construction Stormwater Management Plan Narrative for The Estates at Hill Top, as prepared by Holmes Cunningham, LLC, dated September 14, 2022, last revised June 8, 2023.
- C. Preliminary Plan Review response letter for 396 King Road, as prepared by Holmes Cunningham, LLC, dated June 8, 2023.
- D. Street Improvement Waiver Cost Estimate for the Estates at Hilltop dated June 8, 2023.

II. General Information

The 36.1-acre subject tract is located at 396 King Road (T-407) within the Watershed Zoning District. The site currently consists of a single-family dwelling amidst various natural resources and agricultural land. The Applicant proposes to subdivide the property into six (6) single-family dwelling lots (Use B1) which is permitted by right with a +/-740'-long private street, Henry Court. The existing single-family dwelling is proposed to remain on Lot 4. The lots are proposed to have on-lot well and septic systems, with individual rain gardens for each new dwelling lot. Widening and storm sewer improvements are proposed along King Road.

III. Review Comments

A. Zoning Ordinance

We have identified the following comments with the proposed plan regarding the requirements and provisions of the current New Britain Township Zoning Ordinance:

1. §27-502.b.3. & 505.1 – Natural resource protection land, such as watercourses, agricultural soils, woodlands, and steep slopes are proposed to be protected and preserved on each site through a conservation easement on each lot. We offer the following comments related to the proposed conservation easements.
 - a. Metes and bounds shall be provided for the conservation easement on each lot.

BUILDING ON A FOUNDATION OF EXCELLENCE

65 E. Butler Avenue | Suite 100 | New Britain, PA 18901 Phone: 215-345-4330 | Fax: 215-345-8606

www.gilmore-assoc.com

- b. The plan notes that all areas located outside of the limits of disturbance are to remain as existing cover. These areas include agricultural soils which are required to be protected and not permitted to be disturbed. The applicant shall discuss if the farming use is proposed to be continued and if the Easement Agreement allows for change in ground cover.
- c. As Easement Agreement shall be executed by the Applicant. (§22-712.A.(3)&(4))
2. §27-502.b.5. – The Lot Area and Coverage Table indicates that Lot 4 has 17,654 square feet of future impervious and shows a conceptual location for a future stormwater facility. The table shall be revised to indicate 0 square feet of future impervious with a note added to the table requiring stormwater management facilities for any future impervious areas on Lot 4.
3. §27-2400.4.i. – For major subdivisions, replanting of the riparian corridor is required where there is little or no existing streamside vegetation and in accordance with this section. An evaluation of the existing vegetation along the stream shall be provided to determine if any revegetation is required or else a site meeting scheduled with our office to review the vegetation. Based on Sheet 4 of 15, there is an area of riparian corridor on Lot 6 that does not have existing vegetation. The engineer's response letter indicates additional landscaping is proposed, however, is not shown on the plan. Ground cover is required along with trees at a rate of one overstory tree and three shrubs for every 20 feet of waterway.

B. Subdivision and Land Development Ordinance Waivers

The following waivers from the Subdivision and Land Development Ordinance have been formally requested by the Applicant in a letter dated September 22, 2022, last revised February 8, 2023:

1. §22-403 & 404 – From providing separate preliminary and final plan submissions.
2. §22-502.D – From the requirement to show existing features within 100 feet of the tract boundary conditioned on providing an aerial map and any additional information requested by the Township Engineer, which we support.
3. §22-502.1.H – From providing a lighting plan, which we support.
4. §22-703.4.C – From the requirement that lot lines shall be drawn parallel, concentric, at right angles or radial to the street right-of-way line, which we support.
5. §22-705.3.C – From constructing full width road improvements along King Road, a minor collector road which requires a 60-foot ultimate right-of-way and 36-foot cartway. We recommend a waiver to allow partial widening along King Road of 2' of widening where 10' is required, with the following conditions:
 - a. A 30-foot ultimate right-of-way along King Road offered as an easement to the Township.
 - b. As noted on the Record Plan, Site Plan Note 16, all dead trees, live trees and branches interfering with the existing overhead lines removed within the proposed King Road U.R.O.W.
 - c. As noted on the Existing Features plan, 2 utility poles relocated near the proposed entrance.
 - d. As shown, the entrance culvert replaced with a minimum 15" diameter pipe.
 - e. Based on a site visit, there are areas of erosion along the watercourse on both Lots 1 and 6. We recommend any areas of erosion be stabilized, down trees removed from the watercourse, and any associated permits obtained from PADEP, as required. Notes stating this requirement should be added to the Existing Conditions Plan.
6. §22-705.3.E – From the requirement to design private streets to the specifications of a local street related to cartway width. A 20' private street is proposed where a 28' cartway is required. We support a waiver conditioned on approval of the truck-turning templates by the Fire Marshal.
7. §22-705.3.G – From providing a 1½" mill and overlay of King Road along the subdivision. Based on a discussion with the Public Works Superintendent, the road was originally a dirt road tar and chipped over the years and, therefore, we do not recommend a waiver. We support a partial waiver from milling King Road, with the condition that a leveling course be installed along with 1½" of wearing course. We recommend that the developer document the existing road conditions prior to construction.

8. §22-705.8.C. – From providing a left-side turnaround configuration for the cul-de-sac with a minimum right-of-way radius of 60 feet and a minimum paving radius of 50 feet. The plan proposes a 20-foot-wide loop road at the end of the access road, which we support.
9. §22-705.8.F. – From providing a 15-foot by 20-foot snow storage easement along the right-of-way of the cul-de-sac bulb, which we support.
10. §22-706 – From providing curb and sidewalk along the property frontage of King Road and the proposed private street, which we support.
11. §22-707.A – From providing pedestrian walkways or recreational trails at locations deemed necessary by the Board, which we support.
12. §22-712.4 – From the detention basin facility regulations with the condition that the Rain Garden spillway for Lot 6 be raised a minimum of 6 inches above the 100-year high water elevation.
13. §22-713.4.B – From the requirement that street trees be planted between three and five feet outside the ultimate right-of-way line and in an informal arrangement when approved by the Board. In addition, the waiver request should be revised to include a partial waiver from §22-713.4.A. to allow existing trees to partially satisfy the street tree requirement, which we support.
14. §22-714.3.A – From providing streetlights at the intersection and turnaround. We support this waiver conditioned on the lamp posts being installed as shown on the plan.
15. Resolution 2007-12 - For any public improvement waivers granted, the Applicant is required to contribute a fee to the Township to cover 50% of the cost of future improvements to bring Township rights-of-way up to current standards. Based on the current waivers requested, this contribution would be required for partial road widening, curb, sidewalk, and storm sewer, if granted. The estimated fee based on 50% of the cost of full road improvements beyond what's proposed and recommended within this letter, would be **\$44,106.50**. The fee shall be finalized prior to final approval.
16. We recommend an updated waiver letter be prepared and plans revised to include any waivers.

C. Subdivision and Land Development Ordinance

We offer the following comments with the proposed plan regarding the requirements and provisions of the current Subdivision and Land Development Ordinance (SALDO):

1. §22-406.1 – The Applicant is responsible for any other required reviews, approvals, permits, etc. (i.e., BCPC, BCCD, PADEP, Fire Marshal, Township Road Opening Permit, Well Permits, etc.).
2. §22-502.B. – The following comments regarding plan notes/presentation shall be addressed:
 - a. The common lot lines for Lots 2/3 and 4/5 have been revised. The lot areas listed in the Lot Area and Coverage Table on the Record Plan shall be updated, as well as the Zoning Data.
 - b. Once the waivers and design are finalized, a plan view detail and cross-section detail shall clarify the proposed King Road improvements.
 - c. The bearing and distance for the ultimate right-of-way is overwritten by the Ultimate R.O.W. text and should be revised for clarity.
 - d. A line is shown between the Ultimate right-of-way and the legal right-of-way that crosses through the bearing and distance for the Ultimate right-of-way. This line should be identified or removed from the plan.
 - e. Several unidentified dashed and solid lines are shown on the Record Site Plan at the intersection of Henry Court and King Road. The existing storm sewer and notes related to the removal of the existing wall are shown on this plan as well. All unnecessary lines and notes should be removed from the Record Site Plan.
 - f. The drainage area boundary on the PCSWM Plan should be differentiated from other solid line types.

12. §22-719 – Upon review of the revised Water Resource Impact Study, we have no outstanding technical comments. Please see the attached Memo dated July 17, 2023 detailing the revisions. The applicant shall execute a Well Depletion Agreement with the Township and post the required financial security prior to recording the final plans and in accordance with sections §22-719.11.A-C. The approved Well Monitoring Program shall be attached to the Well Depletion Agreement.
13. §22-721 – Planning module approval is required to be obtained from the PADEP. While the Planning Commission recommended approval of the Planning Module, we recommend the Board of Supervisors consider approval of the Component 1 Planning Module at an upcoming meeting. If approved, the Planning Module shall be submitted to DEP.
14. §22-721.8 – The applicant shall provide to each lot owner a plan and specifications of the on-lot sewage disposal systems and all operational manuals required for the use and proper maintenance of the systems.


D. Stormwater Management Ordinance Comments

We offer the following comments related to the Township's Stormwater Ordinance

1. §22-712.5.A – The following comments related to the pipe capacity calculations shall be addressed:
 - a. The Storm Sewer Tabulation models a drainage area of 0.20 acres to the 15" RCP along King Road. The drainage area appears to be larger than what's shown on the Drainage Area Plan. The drainage area should be verified and revised accordingly.
 - b. The drainage area to the existing pipe on the opposite side of King Road, north of the entrance, shall be included in the flow to the 18-inch pipe to confirm the size is sufficient.
2. §22-712.6.C. – Inlets STRU 07 and 15 along Henry Court are noted to be sumped as requested, however, the proposed grading implies some flow may bypass these inlets. The grading should be revised to ensure runoff is directed towards these inlets and inlet capacity reports shall be provided for the inlets along Henry Court.
3. §22-712.8.D. – The riprap apron details on Sheet 10 only reference PRA-1 with a 15-inch pipe which is not consistent with the plan which specifies it at the end of the 36-inch culvert pipe. In addition, the 'Standard Riprap Apron At Pipe Outlet' detail does not provide any specific information. Rip Rap apron details shall be provided for the discharge pipes on Lots 1, 2 and 5, for the 36" RCP culvert crossing Henry Court, and the 18" RCP along King Road.
4. §26-125.3 – The time of concentration calculations should be provided in the report to verify the times used for the hydrographs and labeled on the drainage area maps.
5. §26-132 – The level spreader on Lot 5 has a grate elevation of 473.50 which is 6 inches higher than the invert from the underdrain and outlet structure and will result in a tailwater effect. The level spreader should be lowered.
6. §26-164.1 – The Applicant shall sign an Operation and Maintenance (O&M) agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned.
7. The Stormwater BMP Maintenance Fee applies to all proposed stormwater BMPs installed in the Township to provide a financial guarantee for the timely installation, proper construction and continued maintenance by the owner. The fee will be calculated once the engineer's estimate of probable cost is submitted and is based on 5% of the construction cost not to exceed \$10,000.00. (Township Resolution 2022-03)
8. §22-712.13.D & 2022 Fee Resolution – The storm sewer fee for the development will be \$2.50 per linear foot of existing and proposed roads. Based on 948 feet of frontage on King Road and 743 feet along Henry Court, a fee of **\$4,227.50** would be required.

If you have any questions regarding the above, please contact this office.

Sincerely,



Janene Marchand, P.E.
Gilmore & Associates, Inc.
Township Engineers

JM/tw

cc: Dave Conroy, Director of Planning & Zoning Officer
Ryan Gehman, Assistant Planning and Zoning Officer
Randy Teschner, Code Enforcement/Fire Marshal
Ryan Cressman, Public Works Superintendent
Sean Gresh/Jeffrey P. Garton, Esq., Township Solicitors
Joe Casadonti, Applicant
Robert T. Cunningham, P.E., Holmes Cunningham, LLC
Craig D. Kennard, P.E., E.V.P., Gilmore & Associates, Inc.

EXHIBIT “B”



The Almshouse Neshaminy Manor Center 1260 Almshouse Road
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886
E-mail: planningcommission@buckscounty.org

PLANNING COMMISSION:
Tom Tosti, *Chairman*
Richard Donovan, *Vice Chairman*
Thomas J. Jennings, Esq., *Secretary*

James J. Keenan
James E. Miller, Jr.
David R. Nyman
Judith J. Reiss
Edward J. Tokmajian
Walter S. Wydro

Evan J. Stone
Executive Director

MEMORANDUM

To: New Britain Township Board of Supervisors
New Britain Township Planning Commission

From: Staff of the Bucks County Planning Commission

Date: November 7, 2022

Subject: BCPC #12800
Preliminary Plan of Subdivision and Land Development for The Estates at Hilltop
TMP #26-4-30
Applicant: Casadonti Homes, Inc.
Owner: Robert Ferrall
Plan Dated: September 14, 2022
Date Received: October 14, 2022

This proposal has been reviewed by the Bucks County Planning Commission professional staff, which prepared the following comments in accordance with the Pennsylvania Municipalities Planning Code (Section 502).

GENERAL INFORMATION

Proposal: Subdivide a 34.33-acre property into six single-family detached residential lots ranging from 166,835 square feet to 347,960 square feet. An existing single-family detached dwelling is located on proposed Lot 4. Single-family detached dwellings are proposed on Lots 1 through 3, 5, and 6. An 836,122-square-foot natural resource conservation easement, spanning across portions of each of the six lots, is also shown. All six lots will be served by individual on-lot water and sewerage.

Location: Along the northwest side of King Road, approximately 1,700 feet southwest of its intersection with SR 313.

Zoning: The WS Watershed District permits Use B1 Single-family detached dwellings on lots of at least 80,000 square feet (1.84 acres) in size with minimum lot widths of 175 feet. Minimum front, side, and rear yard requirements are 100, 30, and 60 feet, respectively.

Present Use: Residential

COMMENTS

- 1. Watercourse**—The site is intersected by a tributary to the North Branch Neshaminy Creek. For the most part, the watercourse and its riparian buffer fall within the area designated as a conservation



easement. However, the proposed cul-de-sac road crosses over the watercourse in an area outside of the designated conservation easement. Section 27-2400.i. of the zoning ordinance outlines the requirements for riparian buffer protection. It does not appear that these requirements have been met and specifically it does not appear that a vegetative buffer has been proposed in this area. Without a vegetative buffer, runoff from the road and adjacent lawns will more quickly enter the stream, exacerbating streambank erosion, increasing floodwaters during the flood cycle, and decreasing stream flows during the normal stream cycle. In addition, pesticides and herbicides used in lawn care will be able to flow directly into the stream's surface waters when it rains. The plan should be revised to ensure compliance with the riparian buffer requirements of the zoning ordinance.

2. **Sidewalks**—Section 22-706.2.A. of the subdivision and land development ordinance (SALDO) requires that sidewalks be provided along all new and existing streets. Currently, no sidewalks are shown along the proposed cul-de-sac road.
3. **Park and recreation land**—Section 22-715.2.C.(1) of the SALDO requires that 2,500 square feet of land per new dwelling unit be dedicated to the township for park and recreation uses in all subdivisions. The plan does not indicate whether this provision has been satisfied either through direct dedication or fee-in-lieu.
4. **Street improvements**—Section 22-705.3. of the SALDO requires road improvements to be made to all existing streets abutting a subdivision or land development. Compliance with all required street improvements should be indicated on the plan.
5. **Henry Drive**—Section 22-705.8.B. the SALDO requires that permanent cul-de-sac streets shall have a minimum length of 400 feet but shall not exceed 800 feet in length. The plan should clearly indicate the proposed length of Henry Drive so that compliance with Section 22-705.8.B. can be determined.
6. **Existing cable line**—The plan indicates a cable line crossing through the central portion of the site. Proposed regrading, including construction for the proposed street, the driveways for Lots 2 and 5, and the stormwater management facility on Lot 2, are shown crossing over the delineated cable line. The purpose of the cable line, and an easement along the cable line as may be required per Sections 22-704 and 22-717 of the SALDO, should be clearly indicated. Further, compliance with Section 22-704, Easements, should be verified.
7. **Stormwater management maintenance**—The applicant proposes a stormwater conveyance system, a vegetated stormwater basin (managed release concept), and tree plantings as a part of its stormwater BMPs on the site. We recommend the applicant provide a manual to the township and to the Homeowners' Association (HOA) detailing all required maintenance for the stormwater management facilities. This will help to ensure the long-term maintenance and performance of the stormwater facilities and make the HOA aware of its responsibilities for regular maintenance and repair of the facilities.
8. **Landscaping plan**
 - a. **Registered landscape architect**—We recommend that the landscape plan be prepared, signed, and sealed by a registered landscape architect licensed in the state of Pennsylvania.
 - b. **Oak trees**—The landscaping plan (Sheet 7) proposes 14 white and pin oak trees at various locations. Oak trees, while typically a good native tree for plantings, are subject to bacterial leaf

scorch which is an infectious chronic disease that is affecting several species of oaks in southeastern Pennsylvania.¹ Of the types of oak trees affected by leaf scorch, willow and white oaks are somewhat less susceptible to the disease. Municipal officials should monitor planting plans to ensure that oaks are not overplanted, to avoid the risk of infection and eventual loss of these trees.

9. **Sewage facilities**—The applicant must submit a Sewage Facilities Planning Module Application Mailer to the Pennsylvania Department of Environmental Protection (PaDEP) to determine if an Act 537 Planning Module must be submitted for this proposed land development.

This review will be included in the Bucks County Planning Commission board materials for the December 7, 2022, meeting. It is not necessary for you to attend this meeting, but you are welcome to do so and to offer comments on the proposal to the BCPC board and staff.

In order that we may be more aware of your concerns, please send us a copy of all municipal decisions sent to this applicant.

JWS:pmr

cc: Casadonti Homes, Inc. (via email)
Robert Ferrall
Robert Cunningham, PE, Holmes Cunningham LLC (via email)
Janene Marchand, PE, Gilmore & Associates, Township Engineer (via email)
Matt West, Township Manager (via email)

¹ <https://extension.psu.edu/bacterial-leaf-scorch>

EXHIBIT “C”



- 5100 Tilghman Street, Suite 150 | Allentown, PA 18104 | P: 610.366.8064 | F: 610.366.0433
- 508 Corporate Drive West | Langhorne, PA 19047 | P: 215.369.3955 | F: 610.968.1829
- 65 E. Butler Avenue, Suite 100 | New Britain, PA 18901 | P: 215.345.4330 | F: 215.948.9943
- 184 W. Main Street, Suite 300 | Trappe, PA 19426 | P: 610.489.4949 | F: 610.489.8447
- One Penn Center at Suburban Station, 1617 JFK Blvd., Suite 425 | Philadelphia, PA 19103 | P: 215.687.4246 | F: 215.564.1780

IH MEMORANDUM

Date: July 17, 2023
To: Janene Marchand, P.E.
From: Toby Kessler, P.G.
cc: Michael Walsh, Dave Conroy, Randy Teschner, Ryan Gehman, Sean Gresh, Jeffrey Garton, Jeffrey Clark, Joe Casadonti, Craig Kennard, David Gerstenfeld
Reference: File 22-05077
396 King Road (Casadonti), Water Resource Impact Study Review 2
TMP 26-004-030

Please note the following review prepared by Gilmore & Associates, Inc. (G&A) on behalf of New Britain Township of the "Water Resources Impact Study Report," prepared by Valley Environmental Services, Inc. (VES), Revised July 7, 2023. In addition, we reviewed the letter titled, "Water Resources Impact Study Review Response," prepared by VES, dated July 7, 2023.

Summary:

The July 7, 2023 revised Water Resources Impact Study (WRIS) Report and comment-response letter present additional information in order to address deficiencies noted in G&A's March 1, 2023 review letter as well as discussions with the Applicant's hydrogeologist.

The two primary areas that the revised WRIS report addressed were the low yield of the test wells and potential impact to surrounding property wells. The report now includes discussion of methodology to construct 1,000-foot-deep wells with 8-inch diameters, and utilize additional methods for increasing yield, such as hydrofracturing and acid washing. Backup water supply well locations are provided on the site plan attached to the revised WRIS. If the first well that is constructed on the lot does not meet the New Britain Township requirements for minimum sustained yield of 2 gallons per minute (gpm) at the time of building permit, a second well will be constructed and tested as required in accordance with the New Britain Township well ordinance requirements. If the second well is found to have sufficient yield, then the first well would be properly sealed and abandoned. Additional hydrofracturing and a 2-part pumping test were reported for the Lot 2 test well in the revised WRIS report, demonstrating yield that meets New Britain Township requirements. In addition, the number of bedrooms per house has been reduced per the report, which lowers the required yield in each well. Based on our review, the revised WRIS sufficiently demonstrates the likelihood that the minimum yield will be met for each of the proposed lots in the subdivision.

With respect to potential impact to nearby wells, the revised WRIS report now utilizes standard methods to predict the effect of pumping a well on surrounding area wells. A very conservative prediction is required in the New Britain Township well ordinance. Based on the newly provided prediction, "minimal change" in water level was reported up to a distance of 550 feet. The prediction provided in the report is 5.2 feet at a distance of 200 feet, 3.2 feet at a distance of 300 feet, 1.9 feet at a distance of 400 feet, 1 foot at a distance of 500 feet and 0 feet at a distance of 550 feet with the assumption of no groundwater recharge for 1 year of pumping. The prediction is made with the very

conservative assumption of no precipitation or recharge of the aquifer through septic systems. In actual operation of the new on-lot supply wells, there will be some precipitation and return of water through the on-lot septic systems. The conservative nature of the prediction and the requirement to perform water level monitoring at accessible offsite wells, both during and following construction, will provide assurance to the Township and neighbors that the new homes will have minimal to no impact on nearby wells. There will also be an escrow established with the Well Depletion Agreement for the unlikely occurrence of a loss of water in an offsite, existing well.

Specifically, the revised WRIS report includes the following new information:

- There is a reduction in the proposed number of bedrooms from 5 to 4 in the proposed 5 new homes. This reduces the proposed water demand for the 6-lot subdivision and potential impacts.
- The test well in Lot 2 was subject to further construction and testing which included a second hydrofracturing and a 2-part pumping test.
- The Revised WRIS included additional sampling of the Lot 2 well for parameters that were not included in the previous 72-hour pumping test.
- The Revised WRIS included further analysis of long-term drawdown from pumping of the proposed wells.
- The Revised WRIS report provides a proposed groundwater monitoring network for the purpose of the Well Depletion Agreement.
- The Revised WRIS report discusses several options to secure sufficient yield in each of the proposed wells.
- The Revised WRIS report provides a map showing properties with wells and septic systems within ¼-mile of the property.
- The Revised WRIS report provides backup locations for proposed on-lot water supply wells on Lots 1, 3, 5, and 6. Lot 2 is not proposed to have a backup well based on the 2-part pumping test provided in the Revised WRIS report. Lot #4 contains the existing house and will continue to be served by the existing well on that lot.

Comments:

At this time, the WRIS report meets New Britain Township requirements.

The following items shall be performed as conditions once other land development approvals are met:

1. Based on the revised WRIS report, the Lot #1 Well is proposed to remain as a monitoring well for the duration of the Well Depletion Agreement. Following the duration of the Well Depletion, if the Lot #1 Well is no longer intended for use, it shall be noted to be properly sealed. In addition, any other test well if not proposed to be used shall be properly sealed. The sealing of abandoned wells shall be completed in accordance with the PADEP Groundwater Monitoring Guidance Manual, February 1996. (§719.9.D.9)
2. The Well Depletion Agreement shall be executed and associated escrow shall be secured prior to plan recordation (§719.11).

Extrapolated Drawdown

King Road Subdivision
New Britain Twp., Bucks Co., PA
VES Job #22-107

Legend

- ⊛ Extrapolated Drawdown Area
- Off-Site Well
- ⊙ Pumping Test Monitoring Well



Google Earth

Image © 2022 Airbus