

**RESOLUTION NO. 2022-25**  
(Duly Adopted: 11/21/2022)

NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL SUBDIVISION APPROVAL TO EDWARD MORTIMER FOR THE MINOR SUBDIVISION OF TAX PARCEL #26-001-092 LOCATED AT 55 CURLEY MILL ROAD, WHICH SAID PLANS WERE PREPARED BY R. L. SHOWALTER & ASSOCIATES, INC., WERE DATED AUGUST 23, 2022, AND LAST REVISED \_\_\_\_\_ CONSISTING OF 7 SHEETS, WHICH PROPOSE THE CREATION OF TWO SINGLE-FAMILY RESIDENTIAL LOTS, ONE OF WHICH IS OCCUPIED BY A SINGLE-FAMILY HOME.

**WHEREAS**, Edward Mortimer ("*Applicant*") has submitted an application for preliminary/final plan approval of a minor subdivision which proposes the subdivision of Tax Map Parcel #26-001-092 into two (2) separate lots and the construction of a single-family dwelling on one (1) of the lots, as there is already a single-family dwelling on the other lot ("*Project*"). Lot 1 will consist of 2.32 acres and Lot 2 will consist of 7.42 acres ("*Property*"); and

**WHEREAS**, this proposal is reflected on a plan entitled Minor Subdivision & Preliminary/Final Plan for Edward Mortimer, prepared by R. L. Showalter & Associates, Inc., dated August 23, 2022, last revised \_\_\_\_, consisting of seven (7) sheets ("*Plan*"); and

**WHEREAS**, the New Britain Township Planning Commission reviewed the Plan at its October 25, 2022 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 and Associates Review Letter of October 14, 2022 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 October 6, 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 Court Order entered by the Honorable Robert O. Baldi, dated June 6, 2022, with the understanding that minor changes to the Plan attached to the Settlement Stipulation and Agreement and Court Order are acceptable. A true and correct copy of the Court Order is attached hereto and incorporated herein as **Exhibit “C”**.
4. Applicant shall move the proposed garage within the side yard setback lines, effectively treating it as a primary structure rather than an accessory structure.
5. Applicant shall informally plant the required street trees on the property rather than pay a fee-in-lieu of the street trees.
6. The locations of the proposed roof drainage will be shown on the plans for the proposed detached garage.
7. Applicant shall preserve as open space the wetlands noted on the property with the understanding that a Conservation Easement shall be conveyed to the Township in order to guarantee the integrity and preservation of the wetlands. Two Conservation Easements are noted on the plans and legal descriptions for each easement shall be provided by the Applicant.
8. 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 1, 2022:
  - a. §22-705.3.A, C & G – From the requirement to provide road widening and to mill and overlay Curley Mill Road along the property frontage. The street currently has a 50-foot Ultimate Right-of-Way where a 60-foot Ultimate Right-of-Way is required and a 24-foot cartway where a 36-foot cartway is required, or 6 feet of widening.
  - b. §22-706 – From the requirement to provide curb and sidewalk along the property frontage.
  - c. §22-713.4.A – From the requirement to provide street trees due to the location of overhead utilities. Based on 399 feet of frontage, 14 street trees would be required where 4 trees currently exist. Ten (10) street trees shall be planted informally along the property frontage, or between the new driveway and TMP #26-001-092-007 common property line.

- d. §22-716.2 –To allow iron pins be installed in lieu of concrete monuments at the proposed property corners not along the right-of-way and sanitary easement.
  - e. §22-401/6 & 403 – From the requirement to provide separate preliminary and final plan submissions.
9. Applicant shall provide confirmation that a Sanitary Sewer Easement affecting Tax Map Parcel #26-001-092-006 has been recorded of record with the Recorder of Deeds of Bucks County, which said Easement shall be recorded prior to recording and shall be approved by the Township Solicitor prior to recording.
  10. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and 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).
  11. Applicant shall contribute to the Township \$2,500.00 (\$2,500.00/dwelling unit) 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)
  12. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$1,000.00 (\$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)
  13. 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)

14. 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, Bucks County Conservation District E & S Permit, and Pennsylvania Department of Transportation Highway Occupancy Permit. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
15. 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)
16. 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)
17. 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)
18. 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)
19. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
20. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
21. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)
22. The plans shall be ADA compliant.

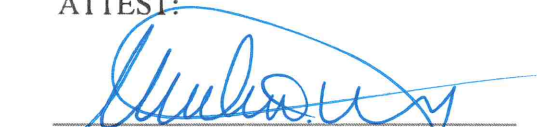
**BE IT FINALLY RESOLVED**, that the conditions of approval have been made known to Applicant, and this preliminary/final plan approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the said conditions on a form prescribed by the Township within 30 days of the 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. 2022-25


**DULY ADOPTED**, this 21st day of November, 2022, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.


ATTEST:

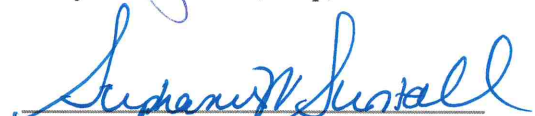
  
\_\_\_\_\_  
Matt West, Township Manager

  
\_\_\_\_\_  
Gregory T. Hood, Chairman

  
\_\_\_\_\_  
William B. Jones, III, Vice Chair

  
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Cynthia M. Jones, Member

  
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MaryBeth McCabe, Esq., Member

  
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Stephanie Shortall, Member

# EXHIBIT “A”



**GILMORE & ASSOCIATES, INC.**  
ENGINEERING & CONSULTING SERVICES

October 14, 2022

File No. 20-03068

Matt West, Township Manager  
New Britain Township  
207 Park Avenue  
Chalfont, PA 18914

Reference: Mortimer Subdivision Plan – Preliminary Plan Review 1  
55 Curley Mill Road, TMP #26-001-092

Dear Matt:

Pursuant to your request, Gilmore & Associates, Inc. has reviewed the Preliminary Plan for the above-referenced project. Upon review by our office, we offer the following comments for consideration:

I. Submission

- A. Minor Subdivision and Preliminary/ Final Plan for Edward Mortimer, as prepared by R.L. Showalter & Associates, Inc., consisting of seven (7) Sheets, dated August 23, 2022.
- B. Post Construction Stormwater Management Report for Mortimer Residential Subdivision, as prepared by R.L. Showalter & Associates, Inc., dated September 1, 2022.
- C. Waiver Request Letter for Mortimer – 2 Lot Minor Subdivision, as prepared by R.L. Showalter & Associates, Inc., dated September 1, 2022.

II. Reference Documentation

- A. Settlement Stipulation and Agreement between New Britain Township Board of Supervisors and Edward Mortimer, Land Use Appeal Docket No. 2020-06335 dated May 24, 2022.

III. General Information

The subject tract is located at 55 Curley Mill Road (T-342), north of Sellersville Road which contains one existing single-family dwelling and was created by the Borden Farm Subdivision in 2004. Existing natural resources include wetlands, wetlands margin, and woodlands. The Applicant proposes to subdivide the property into two total lots for one new single-family detached lane lot, use B1, which is permitted by right within the SR-2 Zoning District. Lot 1 is proposed to be 2.32 acres, while Lot 2 is proposed to be a 7.42-acre lane lot. Lot 2 proposes a connection to public sewer through an easement on Lot 1 to an existing sanitary sewer main on the adjacent property. No proposed water service is shown on the plans, however, the plan notes that Lot 2 is to be served by a new well. No road frontage improvements are proposed along Curley Mill Road.

New Britain Township Board of Supervisors and Edward Mortimer entered into a Settlement Stipulation and Agreement which permitted the subdivision of Parcel No. 26-001-092 as a lane lot even though the parcel does not comply with the lane lot requirements of §27-2104.

III. Review Comments

A. Stipulated Agreement

The Stipulated Agreement was based on the "2-Lot Minor Subdivision Plan", prepared by R.L. Showalter & Associates, Inc., dated February 17, 2020, Exhibit B (A2), hereafter referenced as the "Settlement Plan". We offer the following comments below related to the Stipulated Agreement and Settlement Plan where the numbers referenced are as noted within the filed Stipulated Agreement:

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



1. Stipulated Agreement #3 – The Settlement Plan shall be the general configuration of the proposed two (2) residential lots to be created from TMP 26-001-092. We note that the submitted plan deviates from the Settlement plan. The Township shall discuss the following deviations and determine if there are any issues with the proposed plan:
  - a. The Settlement Plan depicted a lane width of 25 feet, while the current Minor Subdivision Plan now proposes a lane width of 49 feet.
  - b. The Settlement Plan depicted a generic footprint of the proposed dwelling. The Minor Subdivision Plan shows a revised dwelling footprint, in a different location, with two detached garages now shown.
  - c. Per our comment below, the sewer was relocated to a different location than what was shown on the Settlement Plan and as discussed in Stipulated Agreement #4.
2. Stipulated Agreement #4 – Lot 2 on the attached Plan shall be served by public sewer and the connection to public sewer shall not be made through wetland, but rather, Lot 2 shall be connected to the sewer main on Curley Mill Road. The Grading and Utility Plan shows a 20' Wide Sanitary Sewer Easement adjacent to the wetlands and through Lot 1 to connect to the sanitary sewer main on TMP 26-001-092-006. The proposed sewer connection shall be revised to connect to the sewer main on Curley Mill Road.
3. Stipulated Agreement #5 – The wetlands shall be preserved as open space with appropriate conservation easement conveyed to the Township in order to guarantee the integrity and preservation of the wetlands. Two conservation easements are currently shown on the plan. Legal descriptions for each easement shall be provided for review against the Record Plan. In addition, the limits of the conservation easements shall be designated with monuments and a Declaration of Covenants, Restrictions, Easements, and Conditions shall be prepared by the Township Solicitor.

B. Zoning Ordinance

We have no comments related to the Township's Zoning Ordinance.

C. 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 1, 2022:

1. §22-705.3.A, C & G – From the requirement to provide road widening and to mill and overlay Curley Mill Road along the property frontage. The street currently has a 50-foot Ultimate Right-of-Way where a 60-foot Ultimate Right-of-Way is required and a 24-foot cartway where a 36-foot cartway is required, or 6 feet of widening.
2. §22-706 – From the requirement to provide curb and sidewalk along the property frontage.
3. §22-713 – From the requirement to provide street trees due to the location of overhead utilities. Based on 399 feet of frontage, 14 street trees would be required where 4 trees currently exist. We recommend the 10 deficient street trees be installed in line with the existing trees or informally along the frontage. This waiver request for street trees shall be revised to specify §22-713.4.A.
4. §22-716.2 – From the requirement to provide monumentation at the proposed property corners and along the sanitary sewer easement.
5. If public improvement waivers are granted, Township Resolution 2007-12 requires a contribution towards future improvements based on 50% of the total estimated construction cost. An estimated cost of construction of any waived improvements shall be provided. The Board may adjust the amount based on onsite and offsite improvements not required by Ordinance at their discretion.

D. Subdivision and Land Development Ordinance

We offer the following comments with respect to the current New Britain Township Subdivision and Land Development Ordinance:

1. §22-401.6 & 403 – The plans imply the Applicant is seeking preliminary/final approval. A waiver is required to approve the plan as preliminary/final.
2. §22-502.1.A.(4) – Legal descriptions shall be submitted for the proposed lots, the conservation easements, and the proposed sanitary sewer easement.
3. §22-502.1.B – The following issues related to the Site Plan should be addressed:
  - a. The existing building coverage calculations for the existing tract and proposed building coverage for Lot 1 shall be verified and revised as applicable.
  - b. The bearing and distance of the ultimate right-of-way line at the eastern corner of Lot 1 shall be noted on the plan.
  - c. The distance of 397.94' for the ultimate right-of-way line along the Lot 1 frontage shall be verified and revised.
  - d. Parking requirements for Lots 1 and 2 shall be noted on the plan.
4. §22-502.1.C – An Aerial Photograph Plan shall be provided at a scale not exceeding one inch equals 400 feet, which shows the overall tract outlined, as well as all features up to 1,600 feet from the tract boundary.
5. §22-502.1.D – Existing features within 100 feet of the tract boundary shall be shown on the plans. Due to the location of the proposed level spreader in relation to the McCarter's driveway, and detached garage proposed 15 feet from the property line, the existing features shall be provided.
6. §22-704 – If a sanitary sewer connection is approved on TMP 26-001-092-006, documentation shall be provided to verify an easement exists. In addition, the easement agreement should be reviewed to determine if additional access or any maintenance responsibilities shall be addressed as part of this project.
7. §22-705.5 & 6 – The clear sight triangles and minimum sight distances for the proposed driveway shall be shown on the plan. Any obstructions shall be removed or the driveway relocated.
8. §22-705.13.C – All access drives and driveways shall be provided with a stopping area of 20 feet, at a maximum grade of 3%, measured from the edge of cartway. The proposed grade for the Lot 2 driveway shall be provided on the plan.
9. §22-705.13.F – A minimum distance of five feet shall be maintained between any access drive or driveway and any side or rear lot line. The distance between the driveway and the lane lot line shall be dimensioned on the plan.
10. §22-711.2 – The following comments related to erosion controls shall be addressed:
  - a. A sequence of construction is provided on both Sheets 4 and 7 which are inconsistent. The sequences of construction shall be reviewed and revised as necessary.
  - b. Compost filter sock or some other form of erosion control shall be provided downslope of the sanitary sewer lateral installation.
  - c. Erosion control matting and any channel lining shall be shown on the E&S Plan.
  - d. The limits of disturbance and acreage shall be shown and noted on the E&S Plan.
  - e. A detail shall be provided for the riprap aprons listing the dimensions and type of stone.
  - f. A water-tolerant seed mix shall be specified for the bottom of the basin.
11. §22-711.3 – The following issues related to grading shall be addressed:
  - a. Spot elevations shall be provided at the following locations to demonstrate adequate drainage:
    - 1.) the corners of the dwelling
    - 2.) in the driveway area between the two smaller garages
    - 3.) around the corners of the 2,400-sf detached garage
    - 4.) along the propertyline downgrade of the driveway and 2,400-sf detached garage

- b. The floor elevations for the attached and detached garage nearest the proposed dwelling shall be noted on the plan.
  - c. The location of the roof drains for the proposed 2,400-SF detached garage along the southern property line shall be provided to demonstrate the entire garage shall drain to the rain garden.
  - d. The flared end section notes an 8-inch pipe with an invert of 347.43. Based on the proposed contours, this will result in pipe being exposed above finished grade. The pipe slope and grading shall be revised as necessary to provide a minimum 1 foot of cover over this pipe.
  - e. The proposed contours shall be labeled on the PCSM Plan.
12. §22-711.4 – The Existing Features Plan shows the existing shed, paved track, and a portion of the existing driveway on Lot 1 to be removed. Any area where existing impervious surface is removed shall be restored to a minimum depth of 12 inches of topsoil and permanent vegetation with the intent to restore compacted areas to pervious surfaces.
  13. §22-715.2.G(2) – The Applicant is required to pay a fee-in-lieu of dedication of park and recreation land within the Township, based on \$2,500.00 per each proposed dwelling unit, or \$2,500.00.
  14. §22-719 – The plan notes that water service to Lot 2 will be provided via a new well. The location of the proposed well shall be shown on the plan. As noted on the plans, wells are subject to the regulations set forth in §26-404 & 405 regarding well construction standards, well permitting, water quality testing and well production certification. We recommend the Applicant obtain a well construction permit from the Township.
  15. §22-720 – The planning module mailer was submitted to the Township on October 12, 2022. A completed PADEP Sewage Facilities Planning Module shall accompany all preliminary plan applications submitted for subdivision and/or land development that propose connection to a public sewer system. Prior to submitting the planning module to the Township for approval, the planning module shall have been approved and executed by the applicant, responsible professional engineer, Chalfont-New Britain Township Joint Sewage Authority, Bucks County Department of Health and Bucks County Planning Commission.
  16. The Applicant is responsible for any other required approvals, permits, etc. (i.e., BCPC Review, BCCD adequacy, PADEP NPDES & Planning Module, CNBJSA, Fire Marshal, Township Road Opening Permit, etc.) as applicable. Copies of these permits and approvals shall be submitted to the Township.
- E. Stormwater Management Ordinance
1. §22-712.2.J - All as-constructed stormwater management facilities shall be surveyed by a professional land surveyor licensed in the commonwealth, to verify compliance with the stormwater management facilities as depicted on the approved final plan. As-constructed plans shall be submitted to the Township for review and approval upon completion of all facilities. A note stating this requirement shall be provided on the plans.
  2. §22-712.3.G – The time of concentration path to POI #1 appears to start in the drainage area to the Basin in POI #2. The time of concentration path shall be revised and the time revised as necessary based on a location within the drainage area to POI #1.
  3. §22-712.4. – The proposed stormwater facility is proposed to meet the Township's peak rate requirements and is therefore considered a detention basin. Stormwater detention basins are required to meet the standards of this section and it's unclear if any waivers are intended to be requested:
    - a. G – All basin outlet pipes shall be watertight reinforced concrete having "O-Ring" joints, with a minimum size of 18 inches.
    - b. H – Emergency spillways shall be constructed with a suitable liner.
    - c. J – All portions of the detention basin bottom shall be sloped towards the outlet structure at a minimum slope of 2%.

- d. K – The minimum basin berm width at the design elevation is required to be 10 feet. A cutoff trench (keyway) of impervious material is required under all fill embankments.
  - e. L – For all detention basins, the permanent outlet control structure shall be a Type "M" inlet grate and box. The inlet grate shall only be used as an emergency outflow and the grate elevation shall be equal to or higher than the 100-year water surface elevation, but at least six inches below the emergency spillway elevation. The plan currently proposes a 6-inch diameter or 12" diameter riser pipe as the primary outlet structure which shall be clarified in the Rain Garden Cross Section Detail once the design is finalized.
  - f. M – Two anti-seep collars shall be installed around the basin outlet pipe and shall be centered within the normal saturation zone of the berm.
  - g. Q – Basins shall be screened and landscaped at a rate of one deciduous or evergreen tree planted every 20 feet, plus one deciduous or evergreen shrub every 10 feet along the basin perimeter, planted in an informal arrangement.
4. §22-712.5 – All storm sewer systems shall provide the required capacity for the 100-hundred-year design storm based on the Rational Method. Pipe capacity calculations shall be provided for the roof drain pipes and storm sewer pipes on Lot 2.
  5. §§22-712.6 & 8 – The following comments related to the storm structures shall be addressed:
    - a. Note on the grading plan that the proposed driveway on Lot 2 shall drain towards the storm inlets and conveyance swale.
    - b. If the land is currently agricultural land and the intent is to convert the area to lawn, this shall be identified on the plan.
    - c. A detail shall be provided for the basin outlet structure which clearly shows a valve for the underdrain and the elevation of the outlet pipe.
    - d. A second cleanout shall be provided at the opposite end of the level spreader to remove any debris being washed out.
    - e. The size and minimum slope of the roof drain pipes shall be specified on the plan. In addition, an emergency overflow detail shall be provided for the roof drains.
    - f. A specification for the turf reinforcement matting downslope of the level spreader shall be provided.
  6. §22-712.13.D – The storm sewer fee based on \$2.50 per linear foot of existing and proposed streets is \$1,000.00.
  7. §26-123.2.C.(5)(a) – A minimum soil depth of 24 inches is required between the bottom of the infiltration BMPs and the top of bedrock or seasonally high water table. The summary for Test Pit #1 indicates that groundwater was encountered 1.2 feet below the bottom of the amended soils elevation of 336.50. The basin design should be revised to provide a minimum of 2 feet below the amended soils layer or the storage volume from the amended soils shall be excluded in the modeling of the basin in the volume control calculation.
  8. §26-123.2.C.(5)(b) & (6)(b) – Field tests are required the level of the proposed infiltration surface to determine the appropriate hydraulic conductivity rate. A minimum of 1/4 inches/hour shall be utilized. The infiltration test at Test Pit #1 was performed 3.5 feet above the bottom elevation of the basin and 5 feet above the bottom elevation of the amended soils and an infiltration rate of 0.22 inches per hour was noted for Test Pit #1. Additional infiltration testing shall be conducted at the bottom of the amended soils elevation or else the stormwater calculations revised to assume 0 inches per hour.

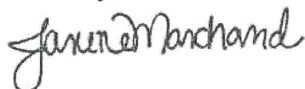
9. §26-124.1.A – The Proposed Permanent BMP Calculations section of the stormwater report on page 7 indicates that an additional 5,000 square feet of future impervious has been included in the design for the proposed lot. This additional 5,000 square feet has been included in the drainage area to the basin, however, the entire area behind the dwelling is graded to bypass the basin. Notes should be added to the Subdivision Plan and the Post Construction Stormwater Management Plan specifying that any additional impervious area drain to the basin.
10. §26-162 – The PCSM BMP Long Term Operation, Maintenance and Inspection Schedule notes that an HOA will be responsible for the stormwater management facilities and shall be revised to specify the homeowner of Lot 2.
11. §26-164.1 – The Applicant shall sign an Operation and Maintenance (O&M) agreement with the municipality covering all stormwater and storm sewer facilities and BMPs that are to be privately owned. The O&M agreement shall be transferred with transfer of ownership and shall be prepared by the Township Solicitor.
12. Township Resolution #2022-03 – The Applicant will be required to pay a fee for the proposed onsite BMP to provide a financial guarantee for the timely installation, proper construction and continued maintenance by the owner of the subject property. The fee shall be 5% of the total construction cost of the proposed BMP. The Applicant's professional shall submit a cost estimate once the design is finalized.

F. General Comments

1. The Township does not have any record of a Zoning Permit for the existing pool house on Lot 1. The owner shall obtain a permit retroactively for the Township's files.
2. The referenced 2004 Subdivision Plan shows an area on proposed Lot 2 noted as a "filled pit with soil and concrete debris from former dairy farm barn and outbuildings." We recommend soil testing be performed and this area identified on the plan so that any prospective buyer is aware of the soil conditions prior to development.

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

Sincerely,



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

JM/tw/

cc: Michael Walsh, Assistant Manager  
Ryan Gehman, Assistant Planning and Zoning Officer  
Randy Teschner, Fire Marshall  
Jeffrey P. Garton, Esq., Begley, Carlin, & Mandio  
Ryan Cressman, Superintendent of Public Works  
Edward Mortimer, Owner/ Applicant  
Rachel Butch, P.E., R.L. Showalter & Associates, Inc.  
Craig D. Kennard, P.E., E.V.P., Gilmore & Associates, Inc.

# EXHIBIT “B”



# BCPC

## Bucks County Planning Commission

The Almshouse Neshaminy Manor Center 1260 Almshouse Road  
Doylestown, Pennsylvania 18901 215.345.3400 FAX 215.345.3886  
E-mail: [planningcommission@buckscounty.org](mailto: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: October 6, 2022

Subject: BCPC #12508  
Preliminary Plan of Subdivision for Mortimer Project  
TMP #26-1-92  
Applicant: Edward Mortimer  
Owner: Same  
Plan Dated: August 23, 2022  
Date Received: September 9, 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 9.73-acre lot into two single-family detached residential lots. Lot 1 (2.32 acres) contains an existing dwelling, proposed to remain, while a new dwelling is proposed on Lot 2 (7.42 acres). Two conservation easements are proposed, the first of which straddles Lots 1 and 2 and comprises of 0.05 acres on Lot 1 and 0.19 acres on Lot 2. The second conservation easement is located on Lot 2 and comprises 0.51 acres. Both conservation easements are proposed with respect to wetland and wetlands margin located on the site. Lot 2 is proposed to be served by on-lot water through a newly proposed well and public sewerage.

**Location:** Along the south side of Curley Mill Road, approximately 725 feet east of its intersection with Sellersville Road.

**Zoning:** The SR-2 Suburban Residential District permits Use B1 Single-family detached dwellings on lots of at least 2 acres in size with minimum lot widths of 200 feet. Minimum front, side, and rear yard requirements are 50, 25, and 75 feet, respectively.

The site is subject to a Settlement Stipulation and Agreement (Land Use Appeal No.2020-06335). The agreement includes flag lot land development terms and conditions pertaining to wetland preservation, routing of public sewerage, and restriction from further subdivision.

**Present Use:** Residential



**COMMENTS**

1. **Requested waivers**—The plan indicates that the applicant is requesting waivers from the following requirements of the subdivision and land development ordinance (SALDO):

Section 22-705-3.A., C. and G.

from making roadway improvements along Curley Mill Road due to the rural nature of the existing roadway

Section 22-706

from installing sidewalks and curbing along Curley Mill Road to maintain the look of the roadway as no adjacent sidewalks are present

Sections 22-713

from providing street trees along Curley Mill Road due to the location of overhead utilities

Section 22-716.2

from the requirement to provide concrete monuments along the sanitary easement and along the property lines and instead provide iron pins as an alternative

The applicant has not provided the reason for the waiver request from Section 22-716.2 of the SALDO. Section 512.1.(b) of the Pennsylvania Municipalities Planning Code requires applicants to state in full the grounds and facts of unreasonableness or hardship on which the request for the waiver is based and the minimum modification necessary. The final plan should note all granted waivers.

2. **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.
3. **Stormwater management maintenance**—The applicant proposes a bioretention basin on Lot 2. We recommend the applicant provide a manual to the township and to the relevant property owner detailing all required maintenance for the stormwater management facility. This will help to ensure the long-term maintenance and performance of the stormwater facility and make the homeowner aware of their responsibilities for regular maintenance and repair of the facilities.
4. **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 subdivision and land development.

This review will be included in the Bucks County Planning Commission board materials for the November 2, 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:emh

cc: Edward Mortimer (via email)  
Robert L. Showalter, PE, R.L. Showalter & Associates, Inc. (via email)  
Janene Marchand, PE, Gilmore & Associates, Township Engineer (via email)  
Matt West, Township Manager (via email)



# EXHIBIT “C”

Case# 2020-06335-37 - JUDGE:35 Received at County of Bucks Prothonotary on 05/24/2022 2:48 PM, Fee = \$0.00. The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents. E-Filed by: J. TODD B. SAVARESE, Esq.

*Savarese  
Crest*

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION**

**EDWARD MORTIMER**  
Plaintiff

NO. 2020-06335

v.

**NEW BRITAIN TOWNSHIP**  
**ZONING HEARING BOARD, et al**  
Defendants

LAND USE APPEAL

*SM*

**ORDER**

AND NOW, this 6<sup>th</sup> day of June, 2022, upon consideration of the Settlement Stipulation and Agreement of the parties, the Settlement Stipulation and Agreement is hereby entered as an Order of Court.

BY THE COURT:

*Robert O. Baldi*  
Robert O. Baldi, Judge

*N.B. It is the responsibility of all parties to notify all interested parties of the content of this order/action*

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Case #: 2020-06335-0038 13124652  
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Code: 78 Judge:35  
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