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DAVID P. CARO \*  
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GREGORY E. GRIM †  
PETER NELSON \*  
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\* ALSO A CERTIFIED PUBLIC ACCOUNTANT

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February 5, 2020

John A. VanLuvanee, Esquire  
Eastburn and Gray, PC  
60 East Court Street  
P.O. Box 1389  
Doylestown, PA 18901

**RE: Resolution No. 2020-08 – Assal Subdivision/ Hallmark Building Group**

Dear John:

Enclosed please find an original of Resolution No. 2020-08 which the Board of Supervisors approved and adopted on Monday, February 3, 2020 at its regularly scheduled public meeting. Thank you and please contact me with questions or concerns.

Sincerely,

**GRIM, BIEHN & THATCHER**

By: 

Peter Nelson

HPN/bf  
Enclosure

cc: Eileen Bradley, Township Manager (w/enc. e-mail)  
Janene Marchand, P.E., Gilmore & Associates, Inc. (via email w/ enc.)

**RESOLUTION NO. 2020-08**

(Duly Adopted: 2/03/20)

**NEW BRITAIN TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP GRANTING PRELIMINARY/FINAL LAND DEVELOPMENT APPROVAL TO HALLMARK BUILDING GROUP, INC. FOR THE PRELIMINARY SUBDIVISION PLAN FOR THE ASSAL SUBDIVISION, PREPARED BY BOUCHER & JAMES, INC., DATED FEBRUARY 28, 2019, LAST REVISED DECEMBER 3, 2019 CONSISTING OF 35 SHEETS, WHICH PROPOSES TO CREATE EIGHT SINGLE FAMILY DWELLING UNITS IN NEW BRITAIN TOWNSHIP.

**WHEREAS**, Hallmark Homes – Mill Ridge, LLC (“Applicant”) has submitted an application for preliminary plan approval of a residential land development that proposes to demolish the existing buildings and construct eight single-family dwellings on individual lots in New Britain Township and four single-family dwellings on individual lots in Hilltown Township, all accessed via a new cul-de-sac street off of Curley Mill Road (“Project”) on piece of property located between Limekiln Pike and Curley Mill Road and consisting of a 27.92-acre parcel (TMP #26-003-003) located in New Britain Township and a 28.1-acre parcel (TMP #15-034-142) located in Hilltown Township (“Property”); and

**WHEREAS**, this proposal is reflected on a plan entitled “Major Subdivision Plans – Mill Ridge” prepared by Boucher & James, Inc., dated February 28, 2019, last revised December 3, 2019, consisting of 35 sheets (“Plan”); and

**WHEREAS**, the New Britain Township Planning Commission reviewed the Plan at its January 14, 2020 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.

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

1. Applicant shall address all recommendations of the Gilmore and Associates Review Letter of January 9, 2020 to the reasonable satisfaction of Gilmore & Associates, unless compliance is modified or waived herein. A true and correct copy of the letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)

2. Applicant shall comply with all recommendations of the Bucks County Planning Commission Review Letter of April 8, 2019 unless modified herein. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
3. Applicant shall comply with all recommendations of the New Britain Township Fire Marshall review letter of May 17, 2019 unless herein modified. A true and correct copy of this letter is attached hereto and incorporated herein. (Township Code §22-403, §22-502)
4. Applicant shall comply with all the terms and conditions set forth in any approval of the Project and the Plan by Hilltown Township including obtaining final approval from Hilltown Township.
5. Applicant shall create a homeowners association ("HOA") pursuant to the Uniform Planned Community Act, 68 Pa.C.S. §§ 5101, et seq., of which the Declaration and By-laws, as well as all other homeowner association documents, shall be reviewed and approved by the Township Solicitor prior to the Record Plan being recorded. (Township Code §22-406.1, §27-2703)
6. Applicant shall protect all natural resource protection land (i.e. agricultural soils, woodlands, steep slopes, wetlands, etc.) on each lot with a conservation easement prepared by the Township Solicitor. The natural resource protection calculations shall be revised to show protection ratios, the acreage required to be protected, and the acreage proposed to be disturbed. The tabulations shall take into consideration the most restrictive ratio for overlapping resources, and the easement shall be defined by metes and bounds on the Record Plan to encompass all natural resources required to be protected. The HOA shall, according to the Declaration creating it, mow the meadow areas according to the plan. With the exception of the mowing of the meadow areas, all lands on the individual lots that are subject to a conservation easement shall be maintained by the lot owner in accordance with the requirements of the conservation easement, subject to compliance oversight from the HOA and the Township. The preserved area on each lot shall be delineated with landscaping that must be approved by the Township Engineer, (Township Code §27-502.b.3., §27-505, §27-2400, & §27-2401.c)
7. The stormwater facilities shall be designed to accommodate the maximum allowable impervious surface areas attributed to the site and individual lots as shown in the Lot Impervious Cover Tables on Major Subdivision Plan 4 of 4, Sheet 6 of 35. The Record Plan shall include a summary of the impervious surface to be installed on each lot by the developer, as well as the amount that the stormwater management facilities are designed for. In addition, the total allowable impervious area should be noted on the Record Plan and shall be clearly consistent with the Stormwater Management Report. (Township Code §27-502.b.5)

8. Prior to the sale of any new lots the lot owner shall delineate the natural resources and environmentally sensitive land to be preserved from development or disturbance on a site plan and shall provide notice in accordance with the Township's Disclosure Ordinance. The disclosure statement should be submitted for review pending final approval. (Township Code §27-506)
9. 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).
10. At the Township's discretion, Applicant shall contribute \$17,500.00 fees in lieu of recreation (\$2,500.00/dwelling unit for each of the seven (7) additional dwellings) such improvements contemporaneously with execution of Development Agreements. (Township Code §22-715)
11. 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)
12. The Well Monitoring Program shall be executed prior to plan recording. Applicant shall be required to enter into a Well Depletion Agreement with the Township which shall establish a financial security as a condition of the final plan approval. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
13. Chalfont-New Britain Township Joint Sewer Authority shall provide sanitary sewer service to the Property. Applicant shall also provide the Township with a copy of any service agreements. (Township Code §22-406.1, §22-711, §22-720, §22-721, §22-905)
14. Applicant shall execute the required Stormwater Maintenance Agreement in a form approved by the Township Solicitor. Applicant shall pay the required stormwater fee of \$2,899.18 (\$2.50 per linear foot of existing and proposed roads within the development) contemporaneously with execution of Development

Agreements. (Township Code §22-712.13, §§26-151 - 164; Township Fee Resolution No. 2020-03)

15. 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.D, §§26-151 - 164; Township Fee Resolution No. 2020-03)
16. If requested by the Township, Applicant shall submit a request, in the Township-approved format, to create a Street Light District in accordance with the Second Class Township Code. There are two street lights being installed, one in Hilltown and one in New Britain Township. The Hilltown light is PPL owned and is paid for through taxes collected by Hilltown Township. The PECO light, located in New Britain Township, will be owned and paid for by the HOA. (Township Code §22-406.1)
17. Applicant shall construct all roadway improvements shown on the Plan, including, but not limited to, roadway widening, installation of curbs and sidewalks, and milling and overlay, or else install partial improvements as approved by the Township and/or contribute a fee-in-lieu improvements. (Township Code §22-701.8, §22-903, §22-904; Township Resolution No. 2007-12)
18. 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)
19. Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary agreements, easements, deeds of dedication 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)
20. 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. Descriptions for those areas of land specified on the Plans for dedication to the Township shall be submitted to the Township Engineer in a form suitable to the Engineer. 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)

21. 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)
22. All documentation shall be executed prior to recording of Record Plans. (Township Code §22-406)
23. Applicant and its professionals shall execute, notarize and seal the Final Record Plan. (Township Code §22-406.2)
24. Applicant shall comply with all other applicable Township, County, State, and Federal rules, regulations, codes, ordinances, and statutes. (Township Code §22-905)

**BE IT FURTHER RESOLVED**, in response to Applicant's written request, the Board of Supervisors hereby grants waivers of the Township Code (Subdivision and Land Development and Stormwater Management). The grant of these waivers is conditioned upon Applicant meeting the following requirements, where noted:

- a. Section 22-703.4A(4) – Allowing the proposed lot depth to exceed three times its lot width for Lots 2 through 4 and 9 through 11.
- b. Sections 22-706.2.B and 22-705.3.A – Allowing Applicant to only provide sidewalk on one side of the proposed cul-de-sac street and no sidewalk along Curley Mill Road, instead Applicant agrees to provide an easement for future installation of a bike path along the frontage of Lot 1 and Lot 12.
- c. Section 22-705.3.A – Instead of providing the required 24-foot cartway half-width road widening, full width mill and overlay, and underdrain, allowing Applicant to install a swale and new road culverts along Curley Mill Road, along the frontage of Lots 1 and 12, with a 5-foot shoulder to be paved to the Township's standards; to provide a mill and overlay of Curly Mill Road to match the current road cross section and width; to remove woody growth within the existing rights-of-ways along Limekiln Pike; and to coordinate with the adjoining landowner to convey the 90 foot strip of land connecting to Limekiln Pike from the subdivision parcel.
- d. Section 22-705.4.C – Allowing a 600 feet intersection distance where 800 feet is required.
- e. Section 22-705.7.B(2) – From the requirement that the vertical curve at the intersection of Curly Mill Road have a K value of less than 40 due to the location of the proposed violation of this minimum value occurring at an intersection with a stop sign.
- f. Section 22-705.8.b – Allowing the cul-de-sac a length of 1254 feet from the edge of the cartway to the center of the turnaround where 1,200 feet is permitted.


- g. Section 22-706.1.B – Allowing a 5-foot shoulder in place of curbing along Curley Mill Road and vegetation removal along Limekiln Pike only where curbing would be required along both frontages.
- h. Section 22-710.2.A – Waiving the requirement of fire hydrants, since the site is too far from any source of water capable of providing adequate fire protection.
- i. Section 22-710.4.A – Waiving the requirement of at least one emergency access being provided for the proposed cul-de-sac.
- j. Section 22-710.10.C – Allowing Swales 1 and 2 to be less than 2% slope because of the current slope of the existing road, provided additional calculations are submitted to be approved by the Township Engineer.
- k. Section 22-714.3.A – Allowing the installation of a streetlight at the intersection of Curley Mill Road and at the cul-de-sac and lamp posts at each driveway, in lieu of the streetlights required under this Section.
- l. Section 22-712.11.A – Allowing a reduction in the H1-H2 and H31-H30 culvert lengths to keep the culverts and structures within Curley Mill Road right-of way, if Applicant is unable to obtain an off-site stormwater easement from the appropriate third party landowner to extend these culverts the full width of the right-of-way.
- m. Section 26-123.2C(5)(a) – Permitting the stormwater facilities to be designed in accordance with PA DEP Managed Release Concept design provisions which allows for reduced isolation distance to water tables.

**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 plan approval shall be deemed denied based upon Applicant's failure to agree to and/or fulfill the said conditions.

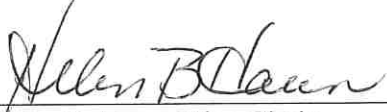
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**RESOLUTION NO. 2020-08**

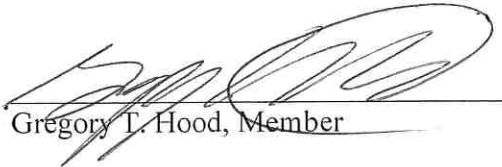
**DULY ADOPTED** this 3rd<sup>d</sup> day of February, 2020, by the Board of Supervisors of New Britain Township, in lawful session duly assembled.



William B. Jones, III, Chair



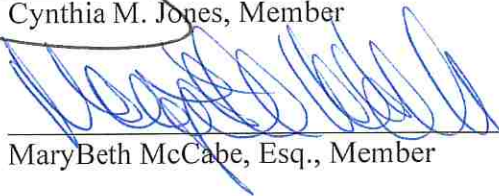
Helen B. Haun, Vice Chair



Gregory T. Hood, Member



Cynthia M. Jones, Member



MaryBeth McCabe, Esq., Member



Attest: Eileen M. Bradley,  
Township Manager/Secretary





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

January 9, 2020

File No. 17-12046

Eileen Bradley, Township Manager  
New Britain Township  
207 Park Avenue  
Chalfont, PA 18914

Reference: Mill Ridge Major Subdivision (f.k.a. Assal Tract)- Preliminary Plan Review 2  
TMP #26-003-003 (New Britain Township)  
TMP #15-034-142 (Hilltown Township)

Dear Eileen:

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

I. Submission

- A. Major Subdivision Plan - Mill Ridge prepared by Boucher & James, Inc., dated February 28, 2019, revised December 3, 2019, consisting of sheets 1 thru 35 of 35.
- B. Post Construction Stormwater Management Report, prepared by Boucher & James, Inc., dated February 28, 2019, last revised November 7, 2019
- C. Waiver Request Letter, prepared by Boucher & James, Inc., dated January 8, 2020.

II. Project Description

This major subdivision plan proposes the development of an approximately 29-acre parcel (TMP #26-003-003) located in New Britain Township (NBT), and the adjoining 24-acre land-locked parcel (TMP #15-034-142) located in Hilltown Township. The NBT parcel is located at 814 N. Limekiln Pike (S.R. Q152) with 90 feet of frontage on Limekiln Pike and an additional 1,070 feet of frontage along Curley Mill Road (T-342). The NBT portion of the site is located in the Watershed (WS) Zoning District. Natural resources include woodlands, steep slopes, and agricultural soils.

The Applicant is proposing to construct eight (8) 3,052-SF single-family dwellings (Use B1) on individual lots in NBT and four (4) in Hilltown Township all accessed via a new 1,223-LF, 28-foot wide cul-de-sac street "Mill Ridge Road" off of Curley Mill Road (T-342) north of its intersection with Newville Road. The lots in NBT range from 2.61 acres to 3.63 acres (gross). A 5-foot shoulder and roadside swale are currently proposed along Curley Mill Road and Belgian block curb is currently proposed along the proposed road with sidewalk proposed along one side. Parking is proposed to be restricted to one side of the new street and no parking is permitted within the cul-de-sac bulb.

The submitted plans show individual wells and a 3,920-LF extension of public sewer. Stormwater is proposed to be managed via three on-site BMP facilities. The Applicant has indicated that an HOA will be established for the development.

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

### III. Review Comments

#### A. Zoning Ordinance

We have identified the following issues with the proposed plan in regards to the requirements and provisions of the current New Britain Township Zoning Ordinance:

1. §27-502.b.3., 505.2, 2400.i, 2401.c & 2402.c – A Declaration of Covenants, Easements Conditions and Restrictions shall be prepared by the Township Solicitor pending final approval and shall identify the maintenance responsibilities of all required Conservation Easements for Lots 1 to 4 and 9 to 12. The plans currently show Conservation Easements, Impervious Cover Conservation Easements, Drainage Easements, and Walkway Easements within NBT.
2. §27-506 – Prior to the sale of any new lots the lot owner shall delineate the natural resources and environmentally sensitive land to be preserved from development or disturbance on a site plan and shall provide notice in accordance with the Township's Disclosure Ordinance. The disclosure statement shall be submitted for review pending final approval.
3. §27-2600 – Any development signage shall be applied for to the Township Zoning Officer for review and approval in accordance with this section.

#### 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 January 8, 2020:

1. §22-703.4.A(4) – The lot depth of any proposed lot shall not exceed three times its width. Lots 2 through 4 and 9 through 11 exceed this ratio. *We have no objection to this waiver request.*
2. §22-705.3.A & §22-706.2.B – From the requirement that sidewalks be provided along all existing and proposed roads. *We have no objection to this partial waiver request to allow sidewalk along one side of the proposed cul-de-sac street and no sidewalk along Curley Mill Road or S.R. 152 provided an easement is proposed adjacent to the Curley Mill right-of-way on Lots 1 and 12 should the Township decide to install a walkway in the future.*
3. §22-705.3.C & G – Curley Mill Road currently has an approximate half-width of 9 feet, and 9 additional feet of widening would be required to meet the full 18-foot half-width requirement. The Applicant requests a waiver from road widening along S.R. 152 and a partial waiver from widening along Curley Mill Road as noted below. Further a waiver is requested from milling and overlay along S.R. 152. *We have no objection to this partial waiver subject to the following conditions which should be noted on the Record Plan:*
  - a. The Applicant shall install roadside swales along their Curley Mill Road frontage and replace the two existing culverts in accordance with Township standards. Additionally, a 5-foot paved shoulder is to be provided with a 2% cross slope.
  - b. The Applicant will provide mill and overlay of Curly Mill Road to match the current road cross section and width in conjunction with the above referenced shoulder widening. *Anticipated Waivers Required Note #4 should be revised on the Record Plan to remove reference to Curley Mill Road.*
  - c. The Subdivision Plan shows the portion of land fronting on S.R. 152 being conveyed to lands of Edward Shields/ Rebecca A. Stevenson-Shields. If the area is to be consolidated, recording information shall be provided, unless a separate plan is provided. We note that the plans show this conveyed area being preserved with a conservation easement. The Applicant shall remove the existing driveway on proposed Lot 10 and all woody growth within the existing and ultimate rights-of-way along S.R. 152. This area within the right-of-way shall be restored as lawn with a minimum 8" of topsoil graded at a 2% cross slope.

4. §22-705.4.C – From the requirement that a minimum of 800 feet be provided between intersections. The plans currently show approximately 600 feet along Curly Mill Road between the intersection of the proposed roadway and existing Newville Road. We note that adequate sight distances are proposed. *We have no objection to this waiver request.*
5. §22-705.7.B.(2) – From the requirement that the vertical curve at the intersection of Curly Mill Road have a K value of less than 40 due to the location of the proposed violation of this minimum value occurring at an intersection with a stop sign. *We have no objection to this waiver request.*
6. §22-705.8.B. – To exceed the permitted maximum length of a cul-de-sac street, where 1,223 feet is proposed and 1,200 feet is permitted upon approval by the Board. *We have no objection to this waiver request.*
7. §22-706.1.B – From curb being provided along all existing streets. No curbing is proposed along Curley Mill Road or S.R. 152. *We have no objection to this waiver request. This section shall be corrected on the waiver request letter and resubmitted prior to the PC Meeting.*
8. §22-710.2.A. – From the requirement of installing one or more fire hydrants, as the site is not located within the vicinity of any public water source to provide the required hydrants. We note that all homes in New Britain Township are proposed to have a residential fire sprinkler system. *The Record Plan shall be revised to update the waiver section and shall reference the fire hydrants.*
9. §22-710.4.A. – From installing at least one emergency access for the proposed cul-de-sac street. *We have no objection to this waiver since the Fire Marshal sees no need for an emergency access to S.R. 152. The requested waiver shall be added to the Record Plan.*
10. §22-712.10.C. – From the requirement that all swales be installed with a minimum centerline slope of 2%. The Applicant is requesting a waiver from this requirement to allow a 0.8% slope within Swale #1 and a 1.3% slope for Swale #2 along Curley Mill Road due to grade limitations. *The waiver request letter shall be revised to reference the correct section. Prior to providing any recommendation on the above waiver request, the following shall be provided:*
  - a. §22-712.3.B/26-125.9. – Swales 1 and 5 could potentially be acting as basins. Computations via Hydraulic Charts or Hydrographs shall be provided within the report to demonstrate the headwater depths for the various storm events as well as documenting whether the culverts are operating under inlet or outlet control or acting as an open channel for the respective storms.
11. §22-714.A(1) – A waiver is required to provide driveway lamp posts in lieu of the required streetlights at horizontal curve along the new street. Street lights are proposed at the intersection of Curly Mill Road and Mill Ridge Drive as well as at the proposed cul-de-sac. *We support a waiver from this requirement; however, this waiver shall be added to the formal waiver request letter.*
12. §26-123.2.C(5)(a) – From the requirement to provide a minimum soil depth of 24 inches between the bottom of an infiltration BMP and the top of bedrock or seasonably high water table. *We have no objection to a partial waiver to allow a 12-inch separation since the facilities are designed in accordance with PA DEP requirements. The waiver request letter shall be revised to the correct section.*
13. Resolution 2007-12 – In the event that a waiver or partial waiver is granted from certain street improvements, the Applicant shall contribute a fee to the Township to cover 50% of the costs of future improvements to bring the Township rights-of-way up to current standards. A cost estimate of any formally waived improvements shall be submitted for review.

C. Subdivision and Land Development Ordinance

We have identified the following issues in regards to the requirements and provisions of the current New Britain Township Subdivision and Land Development Ordinance (SALDO):

1. §22-406.1 – The Applicant has indicated that an HOA will be established for this project. The ownership and maintenance responsibilities for the road, stormwater facilities, easement areas, etc. for the development shall be discussed. Prior to recording of the Final Plans, the Applicant shall submit all HOA documents in an acceptable format to be approved by the Township Solicitor including regulations for accessory uses and structures, protection of natural resources, operation and maintenance of stormwater facilities, and restrictions on impervious cover, as applicable. The Record Plan Sheet 1 of 4 shall indicate that the HOA is responsible for maintenance of the roads, stormwater facilities, easement areas, etc. as applicable.
2. §22-502.B.(11) – Legal descriptions are required for the new lots, natural resource conservation easements, impervious conservation easements, permanent stormwater easements, clear sight triangles, dedicated ultimate rights-of-way, new road, snow storage easement, temporary construction easements, trail easement, defined drainage easements, etc. A Deed of Dedication and Declaration of Covenants, Easements, Conditions and Restrictions shall be prepared by the Township Solicitor pending final approval and shall identify the restriction against further subdivisions, the maintenance responsibilities of all required easements and deed of dedication. Th sidewalk easements shall be clearly identified on the plans with bearings, distances and labels.
3. §22-705.3.A – The ultimate rights-of-way for the new road (Mill Ridge Drive) and Curley Mill Road are offered for dedication to both New Britain Township for their portion and Hilltown Township for theirs, per Note 51 on Sheet 3 of 35. It shall be clarified if the area of right-of-way within Mill Ridge Drive will be accepted for dedication by New Britain Township, by both New Britain and Hilltown Townships, or if the road will be maintained by the HOA. The note may need to be updated accordingly. If the road will be public, the two Townships shall discuss maintenance responsibilities for the full length of the new road and memorialize them with a recorded Agreement. A private road will require an easement to benefit one or both of the Townships.
4. §22-705.15.D – Crosswalks shall consist of brick red thermoplastic street imprint with herringbone pattern and six inch white stripes, unless otherwise approved by the Board of Supervisors.. If the New Britain Township accepts dedication of Mill Ridge Road, we recommend that the crosswalk be installed per NBT's specifications.
5. §22-705.12 – All proposed street names shall be recommended by staff, reviewed by the Township Fire Marshal's office for duplication and subject to approval by the Board.
6. §22-710.3.E. – Approval shall be obtained from the Township Fire Marshal.
7. §22-713.4.A – Street trees shall be planted every 30 feet along all proposed streets and existing streets when they abut or lie within the proposed subdivision and/or land development. Several street trees are proposed with less than the minimum permitted spacing along Curley Mill Road south of Mill Ridge Drive and shall be relocated throughout the site. The Record Plan indicates a waiver request to allow a reduced street tree spacing which shall be removed since we do not support this waiver.
8. §22-713 & §22-714 – We defer a comprehensive review of all landscaping and lighting related items until the final plans are submitted.
9. §22-714.C – The Applicant shall submit a petition to create a streetlight district to the Township prior to submission of Final Plans for the two proposed streetlights.

10. §22-715.2.C – Park and recreation land is required in accordance with this section. In the event 2,500 SF of Park and Recreation Land per new dwelling cannot be provided, the Applicant may contribute a fee-in-lieu of in the amount of \$2,500 per new dwelling unit in NBT excluding one existing dwelling or **\$17,500.00**.
11. §22-719 – Wells are proposed for all new lots as each dwelling's water supply. These proposed wells are subject to the restrictions and requirements of this section. We note that no building permits will be issued unless the well has been constructed and tested in accordance with this chapter, including existing wells. The Well Monitoring program shall be executed prior to plan recording. The Applicant shall be required to enter into a Well Depletion Agreement with the Township which shall establish a financial security as a condition of final plan approval.
12. §22-720.3 – Upon review and approval of the Planning Module by CNBJSA, the Applicant shall submit documentation that adequate sewer capacity exists for the entirety of the proposed development. A copy of the approved sewer agreement, along with a copy of the 'Will Serve' letter, should be submitted to the Township and our office prior to plan recording, as well as the DEP-approval of the Planning Module. An agreement will be required between New Britain Township, Hilltown Township, Hilltown Township Water and Sewer Authority and Chalfont New Britain Joint Sewer Authority memorializing the proposed public services. In addition, the Applicant should coordinate with the CNBJSA on any additional connections to existing lots should there be sufficient capacity at the existing pump stations.
13. The Applicant is responsible for any other required reviews, approvals, permits, etc. (i.e., PennDOT, Hilltown Township, Bucks County Planning Commission, Bucks County Conservation District, PADEP, Water and Sewer Authority, Fire Marshal, etc.).

D. Stormwater Comments

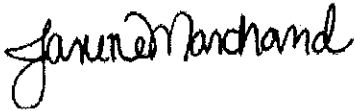
We have identified the following issues with the proposed plan in regards to the requirements and provisions of the current Stormwater Management Ordinance:

1. §26-125.5 – The stormwater analysis still considers Conservation Easement Area #15 as meadow. We question the likelihood of this area, between Lots #3 and #4, to remain as meadow per the PCSWM Plan. We recommend relocating this easement elsewhere or formally planting the easement with non-mowable vegetation.
2. §26-164 – The owner shall sign an O&M agreement with the municipality covering all stormwater facilities and BMPs that are to be privately owned including swales, storm sewer, stormwater facilities, amended soils, etc. The O&M agreement shall be transferred with transfer of ownership. The agreement shall be prepared by the Township Solicitor.
3. §22-711 – The Applicant will be required to secure the necessary NPDES and Erosion and Sediment Control permits from the Bucks County Conservation District and the Department of Environmental Protection.
4. §22-712.2.F & 26-121.7 – Where stormwater runoff will be collected within the subdivision and discharged over lands within or beyond the boundaries of the subdivision, the applicant shall obtain easements over all lands affected. Both temporary and permanent construction easements are required over the adjacent properties, TMP # 26-3-29 and 26-3-30 which are both owned by Dominic and Domenica Mazzeo. Ownership and maintenance responsibilities shall be noted on the site plan and a stormwater agreement for such shall be prepared by the Township Solicitor.
5. §22-712.13.D – The Applicant shall be required to pay a Storm Sewer Maintenance fee in accordance with the requirements of this section. Based on \$2.50 per lineal foot of existing roadway frontage, we calculate the fee to be **\$2,899.18**.

6. 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 2019-03)
7. It appears that the Applicant will be extending the sewer line but trying to keep the extension outside of the cartway where possible. It shall be confirmed if easements are needed.
8. The following minor plan comments shall be addressed:
  - a. Note 39 on Sheet 3 shall be revised to reference the "Lot Impervious Cover Calculation and Restriction Table" on Sheet 6.
  - b. A note shall be added below the Lot Impervious Coverage Calculation and Restriction Table on Sheet 6 stating the total impervious that the stormwater facilities were designed for. The same note should be included in the narrative of the stormwater management report. We estimate the impervious design total to be approximately 169,049 SF, based on the impervious coverage tables on Sheet 6, which shall be confirmed.
  - c. Clarification shall be provided as to the underdrain connection elevations as noted in the cross-section details versus the MRC Worksheets. If the underdrains will have an upturned elbow, cap with drilled hole, etc, these shall be detailed for reference during installation.
  - d. The inverts for Pipe 30 in the storm sewer calculations shall be revised for accuracy. The storm sewer report lists the inverts at 362.67 and 362.50 while the profiles are at 366.67 and 366.50.
  - e. It appears that 9A shall be added as a weir structure to MRC #2 Pond Report.
  - f. PennDOT Type I, II, III and IV boxes shall be detailed, as applicable.

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

Sincerely,



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

JM/jr/sl

cc: Michael Walsh, Executive Assistant  
Kelsey Harris, Zoning Officer  
Peter Nelson, Esquire, Grim, Biehn, & Thatcher  
Richard Carroll, III, Hallmark Homes Group, Inc.  
Michael E. Gable, P.E., Boucher & James, Inc.  
Lorraine Leslie, Hilltown Township Manager  
John Schmidt, CNBTJSA  
Craig D. Kennard, P.E., Chief Operating Officer, Gilmore & Associates, Inc.  
Justin Roberts, P.E., Gilmore & Associates, Inc.



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PLANNING COMMISSION:  
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Evan J. Stone  
*Executive Director*

## MEMORANDUM

To: Hilltown Township Board of Supervisors  
Hilltown Township Planning Commission

New Britain Township Board of Supervisors  
New Britain Township Planning Commission

From: Staff of the Bucks County Planning Commission

Date: April 8, 2019

Subject: BCPC #4059-B  
Preliminary Plan of Subdivision for Lands of Assal  
TMPs #26-3-3 and 15-34-142  
Applicant: Hallmark Building Group, Inc.  
Owner: David V. Assal, Trustee under the David V. Assal Revocable Trust Agreement  
Plan Dated: February 28, 2019  
Date Received: March 18, 2019

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 two contiguous parcels, located in separate municipalities, into a total of 12 single-family detached lots. A 27.92-acre parcel in New Britain Township will be subdivided into eight single-family lots. A 28.1-acre parcel located in Hilltown Township will be subdivided into four single-family lots. The lots will range in size from 2.61 acres (Lot 12) to 8.77 acres (Lot 5). Each lot will be served by individual on-lot water and public sewerage.

**Location:** On Curley Mill Road just southwest of Limekiln Pike and extending northwest beyond the border of Hilltown Township.

**Zoning:** New Britain Township—The Watershed District (WS) permits Use B1 Single-family detached dwellings, on lots of at least 80,000 square feet (1.84 acres) in size. Maximum permitted building coverage is four percent per lot, and maximum permitted impervious surface coverage is six percent per lot.

Hilltown Township—The Rural Residential (RR) District permits single-family detached dwellings (Use B1) on a minimum lot area of 50,000 square feet (1.15 acres).



Present Use: Agricultural.

## COMMENTS

A. **New Britain Township**—The following comments pertain specifically to New Britain Township:

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

Section 22-705.4.C.	to permit an intersection offset of 600 feet
Section 22-705.8.B.	to permit a cul-de-sac street of 1,254 feet in length
Section 22-712.4.I., L.	to waive freeboard requirements for all of the proposed basins
Section 22-713.2.B.(5)	to waive the requirement to replace removed or damaged trees as part of this project
Section 22-705.3.C.	to waive the requirement to improve the cartway width along Limekiln Pike and Curley Mill Road to township standards
Section 22-705.3.G.	to waive the mill and overlay requirement for Limekiln Pike and Curley Mill Road

In accordance with the requirement of Section 512.1(b) of the Pennsylvania Municipalities Planning Code, the applicant must 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 list all granted waivers.

2. **Sidewalks**—Section 22-706.2.A. of the SALDO requires that sidewalks be installed along each side of every street. While the cul-de-sac street does appear to meet this requirement, no sidewalks are shown along Curley Mill Road or Limekiln Pike.
3. **Natural resources protection standards**
  - a. **Environmentally sensitive land standards for Watershed District**—Section 27-505.2 of the zoning ordinance outlines protection ratios for environmentally sensitive lands within the Watershed District. Compliance with the following protection standards have not been met:
    - i. **Woodlands**—A 0.80 protection ratio is required. The applicant proposes an impact of 1.97 acres of the total 6.33 acres of woodlands, thus proposing a protection ratio of 0.69.
    - ii. **Steep slopes (25 percent or more)**—A 0.85 protection ratio is required. The applicant proposes an impact of 0.22 acres of the total 0.29 acres of steep slopes greater than 25 percent, thus proposing a protection ratio of 0.24.
    - iii. **Agricultural soils**—A 0.50 protection ratio is required. The applicant proposes an impact of 18.94 acres of the total 26.87 acres of agricultural soils, thus proposing a protection ratio of 0.30.
  - b. **Easement**—Section 27-502.b.3. of the zoning ordinance requires that all unimpacted natural resource protection lands be protected by a conservation easement. The plan does not indicate the required conservation easement(s).
4. **Site capacity calculations**—Section 27-2402 of the zoning ordinance requires that site capacity calculations be provided on all subdivision and land development applications. While base site



area calculations are noted, the full site capacity calculations, as required under the ordinance, are not provided.

5. **Park and recreation land**—Section 27-715.2.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 unless a different alternative, as outlined in this section, is approved by the Board of Supervisors. The plan should indicate how this requirement will be met.
6. **Lot depth**—Section 22-703.4.A.(4) of the SALDO requires that no lot have a depth that exceeds three times its width. Several of the lots have a depth which exceeds three times their width. The plan notes this as a requested waiver for Hilltown Township, but not for New Britain Township. Lots 1, 2, 10, and 11 within New Britain Township appear to be in violation of this section of the SALDO.
7. **Tree protection**—Section 22-713.2.B.(1) of the zoning ordinance requires that a four-foot high, orange construction fence be used for protection of existing vegetation within the Tree Protection Zone. Sheet 22 of the plan indicates a 30-inch high fence to be used for this purpose. The plan should be revised to include a taller fence that adheres to the zoning requirement.
8. **Stormwater management maintenance**—The applicant proposes extended detention basins on Lots 2, 3, and 4, and a rain garden on Lot 1. We recommend the applicant provide a manual to the township and to the respective property owners 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 homeowners aware of their responsibilities for regular maintenance and repair of the facilities.

On a related note, because the northern-most extended detention basin straddles the boundary of Lots 3 and 4, this underscores the importance of providing clear instructions to the appropriate property owner(s) for ensuring regular maintenance and repair of the facility.

**B. Hilltown Township**—The following comments pertain specifically to Hilltown Township:

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

Section 140-27.B.(11)	to permit a lot depth to width ratio greater than one to three
Section 140-28.M.	to permit a street to extend across the township boundary
Section 140-37.G.	to waive the requirement to replace removed trees from the project area
Section 140-37.C.(3)	to permit street trees to be planted outside of the right-of-way
Section 104-30.D.	to waive the requirement to incorporate a landscaped island and elongated cul-de-sac configuration in favor of a traditional cul-de-sac

In accordance with the requirement of Section 512.1(b) of the Pennsylvania Municipalities Planning Code, the applicant must 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.

**2. Cul-de-sac street**

- a. **Through street feasibility**—In accordance with Section 140-30.A. of the SALDO, the applicant must demonstrate to the satisfaction of the township that construction of a through street is not feasible. The applicant should submit for review by the township aerial mapping with tax map parcels identified which indicate the viability of future street construction to establish a through street.
- b. **Cul-de-sac length**—The proposed cul-de-sac street would be 1,254 feet long. Section 140-30.C. of the SALDO requires that cul-de-sac streets shall not exceed 500 feet in length unless specifically authorized by the Board of Supervisors.
- c. **Snow storage area**—Section 140-30.F. of the SALDO requires that a snow storage area be provided along the right-of-way of the turnaround of the cul-de-sac.

3. **Dedication of recreation land**—Section 140-59 and 140-60 of the SALDO require that all residential subdivisions provide for public dedication of land suitable for park and/or recreation use, unless the applicant agrees to a fee-in-lieu, as outlined in Section 140-63. The plan does not indicate how recreation land will be provided. We recommend that the plan be reviewed by the Hilltown Township Park and Recreation Board to provide an assessment of the area's recreation needs and give an opinion as to the suitability of either a land dedication or a fee in lieu for this subdivision.

**C. Both Municipalities**—The following comments pertain to both New Britain Township and Hilltown Township:

1. **Multi-municipal jurisdiction**—The project lies both in New Britain Township and Hilltown Township. The townships should coordinate their review efforts in order to facilitate the permitting process.
2. **Cartway width**—The proposed cartway width is 36 feet wide, which is wider than what is typically required for a large lot residential development. Both townships require a minimum cartway width of 28 feet (Section 22-705.3.A. of the New Britain Township SALDO and Section 140-29.D.(2) of the Hilltown Township SALDO). A 28-foot cartway width would reduce the site's impervious surface coverage and stormwater runoff, and still be wide enough to serve the proposed subdivision. The townships and the applicant may wish to discuss reducing the proposed cartway width to the required minimum 28 feet.
3. **Private on-lot water**—Both townships require that a water resource impact study be provided for residential developments not served by public water and propose three or more lots (Section 719.7. in the New Britain SALDO and Section 140-22 in the Hilltown Township SALDO).
4. **Existing structures and paved drive**—Sheet 2 of the plan indicates two existing structures on proposed Lot 9, along with a paved drive connecting those structures to Limekiln Pike through proposed Lot 10. It appears that the two structures, along with the paved drive, will all be removed, but the plan does not specifically identify this to be the case.

5. **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.

This review will be included in the Bucks County Planning Commission board materials for the May 1, 2019, 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:dc/rml

cc: Richard Carroll, Hallmark Building Group, Inc.  
David V. Assal  
Michael E. Gable, PE, Boucher & James, Inc.  
Jon S. Tresslar, PE, PLS, Boucher & James, Inc.  
C. Robert Wynn, PE, C. Robert Wynn Associates, Inc., Hilltown Township Engineer (via email)  
Janene Marchand, PE, Gilmore & Associates, New Britain Township Engineer (via email)  
Lorraine Leslie, Hilltown Township Manager (via email)  
Eileen Bradley, New Britain Township Manager (via e-mail)



## Township of New Britain

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Office of Fire Marshal  
Office of Code Enforcement

May 17, 2019

RE: Fire Marshal Review of Assal Subdivision TP # 26-003-003

Review By: Randal J. Teschner Fire Marshal, Code Enforcement Officer

1. Recommend No Parking on one side of the road due to the 26 foot road width
2. Recommend No Parking in the Cul-De-Sac
3. No emergency access is required as the length to rt. 152 is to long
4. Plans should Note that Residential Sprinklers are required for all Homes in New Britain Twp.