

MEETING MINUTES
December 8, 2020
7:00 p.m.

A Meeting of the New Britain Township Planning Commission was held on October 13, 2020, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA beginning at 7:00 p.m. In attendance were: Vice Chair Stephanie Shortall, Deborah Rendon, Alfred Tocci, Michelle Martin, Theresa Rizzo Grimes, and Gregory Hood. Chair Marco Tustanowsky was absent. Twp. Zoning Officer Kelsey Harris, Executive Assistant Michael Walsh, and Township Engineer Craig Kennard of Gilmore & Associates were also in attendance.

Public Meeting

1. Approval of Minutes:

1.1 Minutes of October 13, 2020 Planning Commission Meeting:

MOTION: Upon motion of Mr. Tocci, seconded by Mr. Hood, the October 13, 2020 minutes were approved. Ms. Rendon abstained.

2. 98 Railroad Avenue, TMP# 26-001-112 Preliminary/Final Plan Review for 4-lot residential subdivision.

2.1 Kellie McGowan, Esquire of Obermayer, Rebmann, Maxwell & Hippel, LLP, Kristin Holmes, P.E. of Holmes Cunningham Engineering, and Matthew Piotrowski of JAMP Development were in attendance to present the proposed subdivision and seek recommendations of approval for the Preliminary and Final plan of a 4-lot residential subdivision and land development. Ms. McGowan gave a brief description of the property stating that the property is 19.54 acres located at the intersection of Railroad Avenue and Barry Road. She stated that the property is currently improved with a single-family dwelling and residential accessory buildings.

Ms. McGowan gave a brief history of the project. She stated that it was originally submitted to the Township in May 2019 as a 5-lot subdivision. She stated that Lot 5 was proposed to be for conservation by Bucks County, however, the County declined to take responsibility of the lot. She stated that the current plan proposes 4-lots, with 3 new single-family dwellings and that all existing natural resources are proposed to be conserved. Since the County declined ownership of the land, the conservation easements will belong to the individual private property owners. The conserved area will be primarily a part of proposed lot 4. She stated that one lot will take access from Barry Road, the existing dwelling will remain on the corner with the existing outbuildings, and two lots will take access from Railroad Avenue.

Ms. McGowan referenced the review letter issued by Gilmore & Associate's dated November 13, 2020. She stated all items will be complied with, apart from the requested waivers. Ms. McGowan stated that there is an existing easement that runs along the roadway for public water. The proposed lots will be served with public water and on-lot sewer systems. The Board of Supervisors approved a waiver to allow on-lot septic systems in December of 2019. The proposal is considered a by right plan and is fully compliant with the zoning requirements. Ms. McGowan explained that the 2 zoning comments within the Gilmore letter are relating to disclosures and preservation requirements under the zoning. Both items will be complied with.

Ms. McGowan and Ms. Holmes presented the requested waivers as detailed in the Gilmore letter.

The Applicant requests the following waivers: from **Sections 22-502.1.G & 502.1.H** for the requirement of a landscaping plan. No new landscaping or lighting is being proposed. *Gilmore has no objection.* From **Sections 22-403 & 404** to permit combined preliminary and final plans to be considered. *Gilmore has no objection.* From **Sections 22-705.3A & 3G** from the road widening and improvements of existing roadways. Ms. McGowan stated that the goal of the project is to maintain to existing character of the area and that the existing water easement along Railroad Avenue would prohibit them from widening the road. It was also discussed that both roads are PennDOT owned. *Gilmore is in support of this waiver with the recommendation that the halfwidth of Barry be milled and paved.* From **Section 22-706.1** from requiring curbing. No curbing currently exists along either road. *Gilmore has no objection.* From **Section 22-706.2** which requires the installation of sidewalks along both road frontages. Ms. McGowan stated that there are no existing sidewalks in the area and that the frontage of both roads are heavily vegetated. The existing easement along Railroad Avenue would also prevent installation of sidewalks. *Gilmore has no objection.* From **Section 22-712.2.K** which requires roof drains and sump pumps to be connected directly to the stormwater management facilities. *Gilmore is in support of this waiver so long as the Lot 3 grading plan is revised to direct stormwater to the proposed stormwater facility.* From **Section 22-712.5.E** requires a minimum storm pipe diameter of 15 inches. *Gilmore has no objection.* From **Section 22-713.4** for a partial waiver for street tree requirements. Ms. Holmes explained that some existing trees already meet these requirements. She stated that the area along lot 4 is heavily vegetated. *Gilmore recommends that street trees be planted along Lot 4 at a rate of 1 tree per 30 feet and planted at least 5 feet outside of the right of way. Gilmore also recommends that the existing trees along the road frontage be marked on the plan. Otherwise, Gilmore has no objection.* From **Section 22-716.2** from providing concrete monuments at all changes in direction of easement. Gilmore noted that the plan shows all required monuments. *Gilmore recommends the proposed monuments be provided as required.* From **Section 26-121.11** of the Stormwater Management Ordinance requiring dewatering time of the proposed seepage pit of 24 and 72 hours due to the proposed installation of an 8-inch outlet orifice and the size of the drainage area. *Gilmore has no objection.* From **Section 26-125.3** of the Stormwater Management Ordinance to allow the Dekalb Rational Method for this application. *Gilmore has no objection.* Mr. Kennard stated that the Applicant shall also require a waiver from **Section 22-705.4.C** regarding clear sight triangle spacing at an intersection. Mr. Kennard stated that this

request was not included in the original waiver request but was added later. Ms. McGowan stated that the wall currently located at the corner of Railroad and Barry had significant historical value. In order to comply with the clear sight triangle spacing, the historical wall would need to be removed. Mr. Kennard stated that there have been no sight issues at this intersection in its current state and because of this *Gilmore is in support of this waiver.*

Ms. McGowan addressed the remaining comments from the Gilmore letter. She stated their intention to pay a fee in lieu park and recreation of a total of \$7,500.00. She stated that will serve letters will be supplied by the North Penn Water Authority. Mr. Kennard stated to the Commission that the Applicant has worked to comply with their comments, and that Gilmore has no other technical issues with the plans.

Mr. Hood questioned an issue with water pooling along the front corner of Railroad Avenue at the intersection. He asked if this pooling issue can be addressed by this project. Mr. Kennard stated that both roads are PennDOT owned. The Township cannot require them to make those repairs.

Ms. Rendon asked if a new shoulder could be constructed along Barry Road. Mr. Kennard stated that there were not major issues with Barry Road and only one new driveway is being installed. Ms. Grimes asked if the water main was covered by the street. Ms. Holmes confirmed that most of the water main is beneath the street at Railroad and Barry. Ms. Rendon asked if the Applicant knew why Bucks County was not interested in preserving any of the land. Ms. McGowan stated that they asked the County because there is an existing water resource easement located adjacent to County owned property. Ms. McGowan stated that the answer from the County was they were not interested; they did not provide any further explanation. Mr. Piotrowski stated that since it was restricted open space he felt that the County did not want the responsibility of maintaining it and the several protected resources in the area. Ms. Rendon recognized the historic nature of the property but stated that the original homestead is not being impacted. Ms. McGowan replied that no official historical preservation of this property is available. Mr. Hood stated the property did not warrant that type of preservation because the historical figure was not actually associated with the property. Ms. McGowan stated that the existing home is currently being occupied. Mr. Kennard also stated that historically preserved properties do not stop development of open land. Mr. Piotrowski stated that interested buyers do have an interest in preserving the individual lots, but that cannot be done until the property is subdivided. Mr. Piotrowski also stated that the house has already been altered several times throughout the years, and they do not intend to tear it down. He continued that future owners may want to make modifications to the home, but he would be willing to deed restrict the original portions of the structures to not be demolished or altered. He stated that he would not want to prohibit homeowners from making their own improvements. Ms. McGowan stated that they would give thought about the possibility of deed restricting the original stone structures.

Ms. Grimes asked for an explanation of the waiver request for dewatering. Ms. Holmes stated that the current regulations require certain things that are more applicable to large scale developments. The waiver request is because the property is a smaller scale than other large developments so there is not enough water volume caused by the smaller development to meet that requirement. Ms. Grimes asked if the smaller pipe request ties into that request. Ms. Holmes confirmed because the large pipes would allow too much water out for this type of development. Ms. Rendon asked if the design of the stormwater facility will be a new improvement for the area. Ms. Holmes stated that the improvements will manage the proposals and more that currently.

Ms. Grimes stated she would have wanted to see a creative way to accommodate a walking/biking trail. Mr. Hood stated that most of Barry Road is privately owned property where a sidewalk would have nowhere to connect to. He continued that the Township could not require sidewalks to be installed on the preserved County owned property.

There were no further questions or comments at this time.

MOTION: Upon motion by Ms. Rendon, seconded by Ms. Martin, and unanimously carried, the Planning Commission recommends approving Preliminary/Final Plans subject to 11/13/2020 Gilmore letter with the following requested waivers and a condition that the Applicant investigate self-imposed deed restriction for the historical buildings, and the Applicant will comply with the other;

Requested Waivers: Sections 22-502.1.G & 502.1.H from requiring a landscape plan, Sections 22-403 & 404 to combine preliminary and final subdivision and land development submission, Sections 22-705.3A & 3G from installing road widening and improving existing roads with the recommendation to mill and overlay the half-width of Barry Road, Section 22-706.1 from the requirement of curbing, Section 22-706.2 from the requirement of sidewalks, Section 22-712.2.K from connecting roof drains and sump pumps directly to stormwater management facilities, Section 22-712.5.E from storm piping with minimum of 15 inch diameter, Section 22-713.4 from street tree requirements with the recommendation that 1 tree per 30 feet be planted along Lot 4 and the existing trees be marked on the plan, Section 26-121.11 from dewatering time between 24 and 72 hours, Section 26-125.3 to allow use of the Dekalb Rational Method, and Section 22-705.4.C from the minimum clear sight triangle spacing at an intersection.

3. Public Comment:

Carol Boyd of 217 New Galena Road had questions regarding the preservation of the land. Ms. Boyd stated that the stormwater and floodplain questions have been addressed. Her main concern was the historical nature of the property and that it has never been certified. Ms. Boyd contacted BC Conservancy to have them investigate the historical relevance.

Terry Young of 77 Walter Road questioned about the watershed area surrounding lots 3 and 4. He stated that these lots hold a lot of water and would like to know how the drainage would be improved.

Ms. Holmes replied that both of those lots already contain easements to not be developed. Those areas are where flooding has been mapped. Ms. Holmes stated that the homes are set on the higher areas of the lots in the front and each lot will have its own stormwater management system. Lot 3 will have underground seepage pit and Lot 4 will have infiltration berm. Ms. Rendon asked where the berm will be constructed. Ms. Holmes stated the berm will be to the right of the house plan view. Ms. Rendon asked if there would be a benefit to additional plantings. Ms. Holmes stated that area is already very dense with vegetation.

Ms. Boyd asked if the Township would purchase the home and offer the property as a public space. Ms. Shortall stated that question needs to be directed to the Board of Supervisors. Mr. Kennard explained that the Township at one point tried to acquire the property, but the Township can only pay appraised market value. If the property owner does not wish to sell at that price the Township cannot offer more money. Ms. Boyd asked if the lot lines could be adjusted to allow for a larger lot for the historic property.

Ms. Holmes stated that the proposed lots are slightly larger than the requirement minimum lot sizes.

John Seith of 15 Barry Road asked how much of Barry Road will be disrupted.

Ms. Holmes replied that the roadway will remain the same other than a mill and overlay that will be at the front of the new parcel.

Mr. Seith asked about other properties capabilities to hook into public water.

Mr. Kennard stated that is handled with the water authority.

Ms. Rendon asked what the maximum build out for lots would be by-right.

Ms. Holmes stated that the original 5 lots would be by-right. Mr. Kennard stated that more could probably be done if the existing structures are demolished.

Ms. Grimes asked if PennDOT can require road improvements. Mr. Kennard stated that they could, but these are just driveway permits so it is unlikely that they would.

Ms. Shortall stated that the other agenda item was removed at the request of the Applicant. Mr. Kennard provided an update on the project to the Planning Commission.

No further comments at this time.

4. Adjournment

MOTION: A motion was made by Ms. Grimes, seconded by Mr. Tocci, and unanimously carried to adjourn the December 8, 2020 meeting at 8:15 p.m.

Respectfully Submitted,

Stephanie Shortall, Vice Chair

Kelsey Harris, Zoning Officer