

**WRIGHTSTOWN TOWNSHIP PLANNING COMMISSION
MINUTES OF MEETING OF JANUARY 13, 2005**

The Wrightstown Township Planning Commission met on Thursday, January 13, 2005 in the Community Room of the Village Library, Penns Park Road, Wrightstown, PA. In attendance and voting were: John Fowler, Dennis Keating, Ann Mark and Norman Sommer, members. Also in attendance were Mario Canales of Pickering Corts and Sommerson, Township Engineer and Judith Stern Goldstein of Boucher and James, Township Planner.

Call to Order: Acting as chairman, Mr. Fowler called the meeting to order at 8:05 PM.

Reorganization: *Mr. Keating moved to nominate Mr. Davis as Chairman for 2005. Mr. Sommer seconded and the motion passed 4-0.*

Mr. Keating moved to nominate Mr. Halderman as Vice-Chairman for 2005. Ms. Mark seconded and the motion passed 4-0

Toll/Hibbs Final Plan: Mr. Mike Palmer of Toll Brothers and Mr. John Van Luvanee, attorney for Toll Brothers, were present to review the Toll/Hibbs final plan. Mr. Terry Clemons, attorney for Wrightstown Township was in attendance to advise the Planning Commission.

Mr. Van Luvanee reminded those in attendance that the plan is part of a Stipulation and Settlement Agreement, and that this evening Toll wished to review the Pickering Corts and Sommerson letter of January 3, 2005, and to address any engineering "clean-up". He said that at this time they were still waiting for comments from the DEP on the planning module for sewer treatment.

Mr. Clemons said that the Stipulation and Settlement Agreement was tantamount to a preliminary plan approval. He said that at this point there are some questions about the drip irrigation system being placed in a wooded area. The Township has hired a consultant to advise them, and some questions have been forwarded to the DEP for review. The drip system itself is part of the stipulation, and the Planning Commission is to review the technical aspects. These are primarily engineering, not planning issues. Regarding the drip system, Mr. Clemons assured the residents in attendance that there has been a tree inventory, and no tree with a diameter of more than 6 inches is to be removed.

Mr. Van Luvanee said that Toll Brothers will comply with the letter of Pickering Corts and Sommerson but would like some direction regarding buffering.

The Commission discussed buffering and agreed that the buffering along the eastern border is adequate, and that the area of the Wrightstown Road/Durham Road intersection should remain natural, to help with visibility at this busy intersection. The Commission discussed the improvements to be made to this intersection, and Mr. Clemons said that

the improvements are to be completed within one year of the issuance of a highway occupancy permit. The intersection is to be designed by the Township engineers.

Mr. Fowler invited residents in attendance to comment on buffering.

Father Theodore Heckman of St. Mark's Church asked if there would be additional buffering added to the stand of trees between the development and the Church property.

Mr. Van Luvanee said that Toll Brothers would provide additional buffering as needed, following Ms. Goldstein's recommendations.

Mr. Gramble Bohlmer expressed concern about the location of the drip irrigation system 48 feet from his property line. He said that during the recent "drip trip" the systems they were shown were all more than 75 feet from the nearest property. He said that he was very disappointed that no members of the Planning Commission were on the trip, nor was a representative of the DEP. He asked that additional buffering of evergreens be provided between his property and the development.

Mr. Clemons said that the Township's consultant engineers had been on the trip. The questions about damage to existing trees had been forwarded to DEP for comment, but there has been no response yet. He again reminded those in attendance that the drip system is part of the court ordered stipulation agreement.

Mr. Van Luvanee said that a buffer of evergreens along the Bohlmer property line would be provided by Toll Brothers.

Mrs. Ruth Brown asked about buffering along the property line with the Church. She expressed concern about the drip system, and said that any decisions should be postponed until the DEP has responded to questions.

Mr. Clemons again said that the system is part of the court ordered stipulation agreement. He explained that the Planning Commission is a recommending body, but does not make decisions. Regarding buffering, Mr. Van Luvanee said that Toll Brothers would provide buffering, following any recommendations from Ms. Goldstein.

In response to further comments from residents, Mr. Clemons said that the Board of Supervisors had decided that they preferred not to allow public sewers in Wrightstown. The community drip irrigation system is the court ordered alternative to public sewers. There has been a two-year history in the courts, and the stipulation was entered in June of 2004.

Mr. Larry Meyers asked if the drip irrigation system would be installed before the DEP response had been received.

Father Heckman asked if the trees along the Church boundary would be damaged by the drip system. He also commented that he had learned on the drip trip that this type of

system could be placed in any soil, and again expressed concern about damage to the wooded area.

Mr. Clemons said again that the drip system is part of the stipulation settlement agreement, and that the DEP would be reviewing the Township's questions about the system to determine if there would be damage to existing trees.

Mr. Palmer said that Eastern States Engineering had added a drainage swale to the existing Penn DoT swale to help with drainage.

Mrs. Edythe Shapiro said that there are no Penn DoT swales along Durham Road and that water runs down her driveway.

Mr. Canales said that the intersection improvements should correct some problems. Durham Road is a state road and PennDoT should make improvements. He commented that he was confident that the drip irrigation system was good, and those seen on the drip trip worked very well.

Returning to the Pickering Corts and Summerson letter, Mr. Van Luvanee asked if the Planning Commission recommended access to the drainage basin for maintenance from Durham Road or by an internal road.

The Commission agreed that they preferred no access from Durham Road, recommending instead that access to the basin be by an internal roadway only.

On page 7, under Landscape Plans, item 1, Mr. Van Luvanee asked the Commission for input on delineating the deed restricted open space.

Mr. Canales suggested that fencing should be considered along the rear of lots that back onto this open space to prevent encroachment into open field areas. The Commission also agreed that there should be no street lighting.

Mr. Clemons advised the residents that Toll Brothers would post money to cover costs in the event that any neighboring wells are affected during the five years after the last house is settled. He explained that the residents of the subdivision would pay for the maintenance of the sewer system. This system will be testing for possible contaminations, and the operator of the system would be responsible in the event that contamination occurs.

Mr. Keating suggested that any residents whose wells were not already tested by Toll Brothers should conduct benchmark testing. Mr. Fowler noted that there is a report on file with the Township of all of the wells tested.

Mr. Barry Brown asked if the project could go forward without DEP approval.

Mr. Van Luvanee said that DEP approval would be necessary to proceed.

Mrs. Shapiro asked that the record reflect that her well “went down 24 feet” at testing.

Mr. VanLuvanee said that Toll Brothers will comply with the Bucks County Planning Commission letter of December 29, 2004.

Mr. Keating said that the Planning Commission cannot do much to prevent the drip irrigation system. He suggested that those residents with concerns continue to attend Board of Supervisors meetings to make their concerns known. He explained that the Hibbs family has a right to sell their property and Toll Brothers has a right to develop it. There is a court ordered stipulation agreement to allow the drip irrigation system. If public water and sewer had been permitted, the development could have had 75 houses.

Mrs. Brown expressed concern about the long range planning for Wrightstown, and wondered if all future developments would use drip irrigation sewer treatment plants.

Mr. Keating said that each development would be considered individually, and systems would be chosen based on many factors, including soil quality. He said that the drip system is a good compromise solution for this development.

Mrs. Shapiro said that she would like to see public sewers brought to Wrightstown, and that the Township would still be able to control development.

Mr. Keating responded that the Board of Supervisors had agreed that they can better control development if public sewers are not brought to Wrightstown.

In response to a question from Mrs. Brown, Mr. Clemons said that there is a conservation easement on the Fisher property and that there are no plans for a park on that property.

Mr. Fowler moved to recommend that the Board of Supervisors approve the Final Plan of Chapman Corners dated August 24, 2001, with the conditions that the plan comply with the Stipulation and Settlement Agreement; that it comply with the Pickering Corts and Sommerson letter of January 3, 2005; that a buffer be provided to TMP 53-12-100 and TMP 53-12-100-1; that storm water basin access be by an internal road; that no streetlights be included; and that the applicant obtain any and all permits as required by agencies having jurisdiction. Mr. Sommer seconded and the motion passed 4-0.

Toll/Varga Preliminary Plan: Mr. Mike Palmer of Toll Brothers, Wayne Keifer of Tri-State Engineers and Ed Murphy, attorney for Toll Brothers were present to review the preliminary plan for development of the Varga tract.

Mr. Murphy reviewed the Pickering Corts and Sommerson letter of January 3, 2005, asking the Commission to discuss some of the comments in the letter. Regarding

comment 3 on page 2, Mr. Murphy asked the Commission to review the layout of open space and its compliance with JMZO Section 1005. A.3.

Mr. Keifer and Mr. Palmer said the preliminary plan has placed open space in the wooded areas of the property. There had been some discussion with the Board of Supervisors about whether to preserve the wooded areas or the agricultural land as open space, and that they preferred to preserve the woods.

Mr. Fowler said that the Ordinance requires that agricultural lands be preserved and that he had reviewed the minutes of the Board of Supervisors meeting of August 2, 2004, and felt that they were vague on this issue.

Mr. Sommer said that he remembered discussing the preservation of the wooded areas. He said that he thought that the woods would be worth preserving if the township could have access to them.

Ms. Goldstein reviewed the Ordinance and said that on this site the best way to preserve the agricultural lands would be with three-acre lots, with no open space. There would probably be the same number of houses with either a cluster or three-acre lots.

Mr. Keifer discussed the plan for lot number 1. He said that it was shaped differently in order to better align the access road to the development with the Hibbs tract entrance.

The Commission discussed the retention basin located at the rear of two of the lots. Although in some developments the individual homeowners have been responsible for maintenance of the retention basin, because this one is to the rear of two different lots, it was agreed that a Homeowners Association should maintain it to insure that both sides are maintained uniformly.

Mr. Keating suggested that the traffic study being done for the Hibbs tract be used, with these homes calculated into the study, rather than conduct a separate traffic study.

Mr. Fowler asked that additional buffering be provided along his property line. Mr. Keifer agreed to work with Ms. Goldstein on appropriate plantings.

In discussing wetlands and possible run-off problems, Mr. Canales said that DelVal Soils did not find any wetlands. Mr. Fowler provided some photographs of the area for the Commission to review.

It was agreed that no streetlights should be included on the plan.

Ms. Goldstein suggested moving the buffer along Wrightstown Road back from the street to preserve the look of agricultural lands.

Mr. Fowler moved to recommend that the Board of Supervisors approve the Toll Brothers Preliminary Plan for the Vargas tract dated October 31, 2004, with the

conditions that they comply with the Pickering Corts and Sommerson letter of January 3, 2005; that they comply with the Boucher and James letter of December 23, 2004; that the required buffer of trees along Wrightstown Road be located 100 feet from the ultimate right-of-way, to the rear of the lots; that a natural buffer be provided along the south boundary with TMP 53-12-76-1, TMP 53-12-68-1 and TMP 53-12-68, and additional buffering be provided on the northern boundary with TMP 53-12-71-1; that basin maintenance be by Homeowners Association; that no widening of Wrightstown Road be required except as required by PennDoT and a fee be paid in lieu of sidewalks; that there be no streetlights; that either a traffic study be conducted or that the Toll/Hibbs traffic study be supplemented to account for the addition of these homes; and that the applicant obtain any and all permits as required by agencies having jurisdiction. Mr. Keating seconded and the motion passed 4-0.

Mr. Keating moved to adjourn at 10:35 PM. Ms. Mark seconded and the motion passed 4-0.

Respectfully Submitted,

**Mary Donaldson
Recording Secretary**