

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting
September 26, 2015**

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Monday, September 26, 2016 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Doylestown Township Planning Commission in attendance included Chairperson; Judy Hendrixson, Vice Chairman; Thomas Kelso with members; George Lowenstein, Edward Redfield and Ed Harvey. Others in attendance included Board of Supervisor Liaison; Richard F. Colello and Township Planning Consultant; Judy Stern Goldstein.

Absent: Township Manager; Stephanie J. Mason

Review of Minutes:

In the form of a motion by Mr. Redfield; seconded by Mr. Kelso the August 22, 2016 Doylestown Township Planning Regular meeting minutes were approved.

Motion carried 5 to 0.

Public\Commission Comments – None

Zoning Amendments Flood Plain

Ms. Stern Goldstein provided the Commission with an overview of the Zoning Amendment Flood Plain Ordinance to include, it was previously review in the Fall of 2015 and forwarded to the Board of Supervisors. The Board authorized advertisement. However, the zoning component of the standalone flood ordinance section was never adopted. The ordinance has been amended to include the section and requires Commission's review.

Upon reviewing the Zoning Amendments Flood Plain ordinance, the commission noted several previous changes not recorded, such as...

- 1) Under Definitions, Section 179-9 should read Section 175-9
- 2) A clear definition of water ways is needed. Current definition is confusing

Mr. Lowenstein indicated he was confused of the statement noted on Item #13 to delete paragraph related to flood plain district and questioned if the section pertains to flood plain district. However, in another section it notes to remove flood fringe district. Ms. Stern Goldstein answered; there is another standalone flood plain district already adopted and the amendment was supposed to have been removed from a separate flood plain section because of the standalone ordinance. The definitions remain due to the resource management standards. Mr. Lowenstein commented; the section is confusing and not consistent.

Upon reviewing the flood plain fringe district, Ms. Stern Goldstein indicated the entire flood plain district will be removed to include classes flood fringe, flood way, FWFF and FA or classes of districts.

Mr. Kelso noted the identified water way was previously classified as a defined term and questioned if it was corrected. Ms. Stern Goldstein answered; the defined water way was in the water courses section and not included in the flood plain section. Mr. Kelso then indicated the ordinance does not define a water way and questioned if the term is still being used.

Mr. Kelso questioned if anything will be changed under the riparian corridor conservation district as part of the zoning ordinance. Ms. Stern Goldstein answered; no changes will be noted under the riparian corridor conservation district.

Ms. Stern Goldstein answered; the term is defined as water course and upon reviewing the ordinance as Item 3 on page 8, confirmed water way is attached to the zoning ordinance.

Ms. Hendrixson suggested to place the Amended Zoning Ordinance on the Planning Commission October 22, 2016 meeting agenda. Mr. Lowenstein noted or until more information is provide for evaluation. Mr. Redfield added; re-submit the documents color coded to show what changes were made.

Ms. Stern Goldstein recommended; to rename the water ways that are currently mapped to provide a definition for water courses. She then questioned if the ordinance should be redlined to show recent changes or deletions. Mr. Lowenstein indicated yes.

Ms. Stern Goldstein noted a water way is defined under Section 175-103.2(1) as the riparian corridor section and not under definitions.

In the form of a motion by Mr. Lowenstein; seconded by Mr. Kelso The Doylestown Township Planning Commission recommend the Doylestown Township Board of Supervisors proceed with the Zoning Amendment Flood Plain Ordinance with the exception of one typographical error noted under the Definitions Section 179-9 should read Section 175-9.

MOTION CARRIED 5 to 0.

Continued Discussion

Pavilion at Furlong

Mr. Colello reported the Board of Supervisors agreed to support many of zoning variances listed by the applicant. Mr. Lowenstein commented; one property has an history of problems. Mr. Kelso indicated; it's the best use the Township will receive from the property, including for the neighbors.

Mr. Colello reported; the hope is to have water flow into the area and the bike & hike path under Route 611. Although the applicants are requesting a lot, the Township will receive a lot. Mr. Lowenstein questioned; what is the consequences for the neighbors. Mr. Kelso responded; the plan still needs to move forward with the land development process. Mr. Lowenstein suggested either the Commission or Township staff view the issue with buffering near the neighbor's properties closer. Mr. Kelso indicated; individuals can approach the Zoning Hearing Board to ask questions. Mr. Colello added; the plan still has a long process to go through with waivers and negotiating.

Hammerstein

Mr. Colello reported; the Hammerstein Development plan is scheduled to attend the Tuesday, October 4th Board of Supervisors regular meeting. The plan has a few modifications and the stipulation agreement will be reviewed.

Grasso

Ms. Stern Goldstein reported; the developers submitted a permit in to the Director of Codes Enforcement; Sinclair Salisbury for the tree removal, which is more than ten. The township will have to document how they need to proceed for the land development. Grasso is currently stacking out the limits area trees needed to be protected and the distance from the tree protection fence. A representative from Boucher & James is scheduled to visit the site tomorrow to make sure the information is correct. Ms. Stern Goldstein will be onsite once the tree removal begins.

Mr. Kelso questioned if the plan has Subdivision Land Development (SALDO) approval. Ms. Stern Goldstein answered: the plan has not been approved under SALDO. The tree removal is for testing and beginning with small areas under the stipulation so no one can go into the area. They are also taking out the area that need to be tested for the wells and infiltration.

Braylong

Mr. Colello reported the Braylong plan is still under negotiations. The pump station issue has been resolved.

Rehabilitation Center

Mr. Colello reported; the rehabilitation center has requested a three-month extension on the Zoning Hearing Board until November for the rehabilitation center. Ms. Stern Goldstein clarified; the extension is dated until October 27th, but it's expected to be continued again.

Marijuana Dispensary

The building code officials had a meeting and was informed something is coming to Doylestown, but not specific if it will be the Township, Borough or within the zip code. Ms. Stern Goldstein offered to provide the Commission with an analysis and Warminster's ordinance recently passed. Upon Mr. Lowenstein's question, Ms. Stern Goldstein explained; growing and processing marijuana in a dispensary is treated as an industrial use permitted in the industrial district. A marijuana dispensary will be placed in the commercial district. There are provisions that can be included in the agricultural district as long as there are enough buffers. Many of the requirements are already noted in the Township's industrial and commercial districts with buffers, lights, glare and noise.

On-Lot Systems

Mr. Kelso provided the Commission with copies of the Buckingham Township's SALDO ordinance which references, on-lot sewer and water locations (9.29) for discussion. Mr. Harvey indicated the ordinance indicates two spots are required, but does not provide details on maintenance. Although, it has no regulatory based, two locations are required to be recorded, as per the Board of Health Department. Mr. Lowenstein commented; he believes two locations are required only for subdivisions.

Mr. Kelso explained during an earlier subdivision for an existing dwelling, the Health Department requirement replacement for a lot line change because of the lack of permits. Ms. Hendrixson questioned if new subdivision is required to have two locations for an on lot sewer. Mr. Kelso indicated no. The Health Department cannot have regulations, only policies and procedures. Additionally, municipalities cannot have their own regulations, but there

are items that allow for certain situations. Doylestown Township gave up the permitting to Bucks County years ago, where the Health Department took it over. The Sewage Enforcement Officer for the Health Department only oversees the state regulations and each municipality cannot have their own.

Buckingham Township took part of the state regulations that are tied to municipalities and incorporated into the Subdivision Land Development Plan (SALDO). The marginal site provisions requirement was from the state regulations. Referencing Buckingham's ordinance, Mr. Kelso indicated; if the site has marginal conditions as described by the Department of Environmental Protection (DEP), the applicant can provide a replacement area as covered in the same document.

Mr. Kelso stated; the isolation distance between the septic area and wells and/or distance between the treatment tank and wells begin to overlap, especially with smaller properties. However, in a new subdivision it may become a problem. All of the isolation distances should be contained within the property lines. If a well is placed near a property line, a 100-foot arch will be removed from the neighbor's property that may prevent the installation of a septic system. The subject will mainly become an issue in a subdivision with an adjoining property or when a septic system is placed too close to a property line. Mr. Kelso noted the definition of a marginal site as slopes or soils.

Mr. Colello provided an overview of the issue by explaining the DEP indicated they were coming across many areas where properties had two sites, but over time the township allowed the installation of items, such as patios or in ground pool. The Sewer Committee suggested not to allow certain additions to allow for the space. Mr. Kelso added; if the township defines the area as a marginal site, it can be considered a requirement.

Adjournment:

Hearing no further business, the September 26, 2016 Doylestown Township Planning Commission Regular meeting adjourned at 7:55 p.m.