

**Minutes from the
DOYLESTOWN TOWNSHIP PLANNING COMMISSION
Regular Meeting**

May 20, 2015

The Doylestown Township Planning Commission Regular Meeting was held at 7:00 p.m., Wednesday, May 20, 2015 in the Doylestown Township Municipal Building, 425 Wells Road, Doylestown, PA. Members of the Planning Commission in attendance included Chairman; Judy Hendrixson, Vice Chairman; Thomas Kelso, Members; Ed Harvey, George Lowenstein and Edward Redfield. Other in attendance included and Board of Supervisor Liaison; Richard F. Colello and Township Planning Consultant; Judy Stern Goldstein.

Absent: Township Manager; Stephanie J. Mason

Public\Commission Comments – None

Review of Minutes:

In the form of a motion by Mr. Kelso; seconded by Mr. Redfield the April 27, 2015 Doylestown Township Planning Commission Regular meeting minutes were approved with the following corrections...

Mr. Karen Morgan Mallo of Boucher and James, Inc. attended the meeting in place of Township Planning Consultant; Judy Stern Goldstein.

Motion carried 4 to 1 with Mr. Lowenstein abstaining due to his absence.

Plans for Scheduled for Discussion: Buckingham Retail Properties, LLC – Amended Proposed Zoning Ordinance

Attorney; John Van Luvanee of Eastburn and Gray, LLC stated upon the March 23, 2015 meeting with the commission, materials presented by residents opposing the development plan were reviewed. As a result, the applicants requested an opportunity to address resident's concerns. Also, to submit a revised amendment to the zoning ordinance with minor revisions. However due to several typographical errors, a corrected version will be provided at a later time.

Mr. Van Luvanee noted the minor changes as a request for an addition of a large retail store be removed from the C4 District and substituted with use E1 Retail Store under 10,000 feet. The criterion was narrowed for the E20 new use for the proposed Wawa fueling station use to provide the location be in the C4 District along the intersection to two streets classified as regional arterial or community collector roads as per the township's Subdivision Land Development ordinance (SALDO). Mr. Van Luvanee also will address residents' concerns voiced at the March 23rd Planning Commission meeting with regards to the possibility of ground water contamination and issues with living near a fueling station, cancer related issues, impact of property value and increase in crime. He then introduced Apex Health Environment and Safety Consulting firm representatives; Tomlinson Fort, PG and Kate Engler, Ph. D, Dennis E. Glackin from Glackin Thomas Panza Land Planning and Joseph J. DeSantis, P.E., PTOE from McMahon Transportation Engineers & Planners who were present to support the applicant's rebuttal. In addition, Real Estate Project Engineer; Mike Reedle and Environmental Consultant; Joe Stanton of Wawa Stores were present.

Senior Program Manager at Apex; Tomlinson Fort provided a brief overview of his professional background. He then reported the proposed site is the confluence of three difference townships and presently zoned in the C4 District

under medical professional offices with office buildings located on all three sides and single family residences to the south. The site is approximately on nine acres and grades down south to north towards the intersection. There is about 19 feet of vertical relief as it slopes down north towards the intersection. This means the surface water flow of the property is towards Ferry Road.

Mr. Fort then explained official registered portable wells on site will be closed as part of the plan development. Some of the existing wells in the official database are not shown on the map. Only wells located in the databases are shown. As an important note, Mr. Fort stated the bedrock formation began horizontal, but through the building process they tilted forward. The tilting of the bed is the dip of the direction of the slope. The strike is where a plain intersects horizontally along the line of the bed and perpendicular to the dip.

Storm water flow discharges onto an on water separator and discharges out through the municipal storm system. The bedrock is the Stockton formation, which is a very hard sandstone at five to nine feet deep. The orientation of the rock beds is straight to the northeast and the dip to the northwest. This means permeating fracture rocks follow the bedrock orientation. Fractures are where groundwater is produced from and the rock matrix has low permeability and does not transmit water. Wells are drilled from 150 to 200 feet deep and pump from fractures that are saturated. As the wells pump, water flows through the fractures to recharge the wells as the hydrogeological setting.

The soil also has extremely low permeability. There were 26 test bits and 41 infiltration tests completed during development planning of the Wawa\Rite Aid. The former onsite septic system was a sand mound, which are typically used when the natural soil does not percolate accurately to dispose waste water. Perched ground water was found on top of the rock surface well above the water table. The rain water soaked through the soil and hit the rock surface before stopping. The reason for the stop was the rock surface is impermeable and traps water at a high level while preventing infiltration. Most of the storm water that falls onsite, will be diverted into the storm water impalements. The impalements will discharge more than they permeate, because the soil and rocks have very low impermeability.

Upon researching ground water, the gas leaks reported on the resident's presentation contained Methyl tert-butyl ether (MTBE) which is a gasoline additive that hasn't been used for the past ten years. Today, there are major changes on how gas stations are constructed and the selling of gasoline. Since 1988, current gas stations have erosion and spill preventions, inventory control, leak detection systems and vapor capture, called Stage 1 or 2 recovery system. Wawa uses best management practices with Xerxes double wall fiberglass tanks. If there is an any sign of a leak, an alarm will sound. Franklin APT double walled lines are also utilized and contained in a third protective, four-inch diameter corrugated plastic pipe. As a result, all Wawa gas stations are entirely contained. Additionally, on board vapor recovery systems are installed on many automobile vehicles. In 2012, Environmental Protection Agency (EPA) has determined with the combination of on board vapor recovery and Stage 1 systems, 98% of vapors are captured. Other best practices utilize the Veeder Root Fuel system to monitor tanks and fuel inventory. The electronic automatic tank gauging and line leak detectors systems interfaces with tank inventory, line sensors and sump probes to detect leaks. An alarm will sound with any detections and will automatically shut down. All practices are automated and monitored 24 hours per day.

To address Wawa's fueling system, Mr. Fort explained all joints and cracks in the concrete are sealed with a fuel resistant caulk, as well as the asphalt and the joint between the concrete and dog bone to prevent seepage to the subsurface.

Mr. Fort then challenged the John Hopkins studies by explaining, the article states many of the gas leaks were soaked into the concrete causing ground water and soil contamination and vapor exposures. The articles did not

note any single service sampling of the concrete was completed and the incident was an academic theoretical exercise. Nor was a single service sampling was completed beneath the concrete. The article only indicated additional researched was required. John Hopkins has a list of mathematical formulas that calculates the curvature of gasoline droppings and not germane to the issue of environmental concerns through gas spillage. Mr. Fort added; as part of his thirty years' experience, he has never seen a case of ground water contamination caused by the permeation of six inches of concrete. Only incidents with contamination through cracks have been found. He also noted the study has limited verification that was not completed on their conclusion regarding environmental effect.

The storm waters systems onsite come in from the top and side with a snout which traps oil, trash and debris until the system is cleaned out. All of the grit from the driveway sinks to the bottom and the only item that leave the storm water is clean water. From there, discharge goes through a separator as a suspender situation. The separator takes the storm water and treats it again to ensure separation then goes to the storm water beneath the stream. Some of the situation referenced by the community could not happen at the proposed Wawa site. The site is managed differently, tanks are double and triple walled, monitored twenty-four hours, excellent response team and gasoline does not contain MTBE. Although Mr. Fort could not guaranty no occurrences will never happen, he stated Wawa sites are well managed for the lowest possible risk.

Kate Engler provided a brief background of her environmental studies and toxicology background. She first addressed the Spanish Study by Morales (2011) which cited a high risk of airborne chemicals within 150 feet of a gas station due to the evaporation of gasoline during the filling process is non- applicable in the United States. The levels of airborne gasolines components are higher in Spain, because other countries do not have Stage 2 vapor recovery or onboard refueling vapor recovery systems. United States also mandates the on board vapor recovery systems under the Clean Air Act that mandates two technologies as the Stage 2 Vapor for motor vehicles vapor, which are 98% efficient. This will cause the concentration of contaminates to be much lower in the United States.

The second study cited was the French Study by Steffen (2004) regarding the rates of leukemia of children residing near a garage. The study only considered neighboring dwellings that immediately adjoins with a gas station or garage. Again, the study does not apply in the United States. Benzene content in France is twice as high as than in the United States. Another important note is in France, gas stations and garages are lumped together which adds to the higher concentration. Volatile solvents, such as benzene has been banned in the United States. Smoking is also a factor, because it contains high levels of benzene. Smoking is the most important source of benzene and accounts for half of the total benzene exposure in the general population. With the study not taking smoking into consideration, it's difficult to determine how children were diagnosed with Leukemia. She then noted several locations where benzene can be found, such as in homes, office, restaurants and grocery stores. Ms. Engler concluded its unlikely children can be diagnosed with leukemia when living near the proposed Wawa.

Resident; Barbara Schempp of 10 Valley View Drive questioned; is the gasoline considered captured if you can smell it while fueling a vehicle. Ms. Engler answered; the nose is very sensitive and the smell of gasoline it not considered as not captured. A resident noted a Google search which stated on March 15th a Wawa gas station required an evacuation due to a gasoline spill.

Mr. Fort readdressed the strike and dip of bedrock on site by explaining, the dip is located north, northwest in the direction of the land slope and ground water flow. The strike is generally corresponding to the main directions of the fractures in the rock facing northeast of the site. Most of the residential wells are located in the opposite direction to the south. Wawa proposes to install four sentinel wells on the property while the service station is being constructed on the south west corner as an up-graded control point. This is a long strike from the underground storage tanks and

the long dip. The purpose of the wells is to test for ground water problems. Any problems will be located first on the Wawa property before it moves off site. This will also provide enough time to take preventative action. Wawa also plans to conduct test annually and provide results to the township within thirty days and also make available to the public.

Dennis Glackin provided the commission with a brief overview of his professional background. Mr. Glackin began his report by noting a correction on page five on his report indicating an untrue statement that the remainder of the site is vacant. The site has an existing home. He then explained the existing condition of the site located in New Britain Township to the west with various uses, such as restaurants and offices. The conditions are listed as single family detached dwellings to the south and two dwellings located to the east. The zoning in the area is under the C4 District commercial and the residential area surrounding the site is zoned R1 District. The site is surrounded by commercial uses and on two sides has residential zoning and uses. Currently the site is non-residential use with an existing home on Neil Drive.

The ordinance has been revised to place a permitting use at the intersection of regional arterial, community arterial and community collector streets. Mr. Glackin prepared two maps to show where the C4 District is located and the road adjacent to it and whether there is site at the intersection of the roads. The conclusion is they are not. Mr. Glackin then noted other C4 uses along various location in Doylestown and based upon their study, the proposed site is the best location for the proposed use.

Mr. Glackin addressed another concern with the CR District medical and office district by stating the C4 District has morphed over the years into allowing other uses. Uses permitted today are as commercial school, daycare, financial establishment, banquet facilities, utility operating facilities and non-tower wireless communications. Additional uses that are not medical related have been permitted in the C4 Zone. The amendment being proposed will be consistent with what happened with the C4 District as it refers to the changes over the years.

The extensive proposed landscaping for the site includes large planting along Ferry Road to the intersection above Tidwell Road. Areas on the storm water management basin located on the eastern side of the site will have a special buffer. Currently there is an heavy buffer with a large amount of mature trees. The closest distance from a parking area on site to the adjacent residential property is approximately 180 feet. To add to the buffer, a proposed six-foot-high fence along the edge of the driveway.

Upon reviewing the Township's Comprehensive plan prepared in 2008, Mr. Glackin noted the only environmental issue will be the loss of some trees when construction takes place. The site is equipped with utilities and infrastructures. It's also located on the regional transportation corridor and compatible with commercial uses. Additionally, the site does not change the balance of uses within the township, nor does it change the balance of allowed uses, due to currently zoned as residential. Upon reading a paragraph regarding future use trends, Mr. Glackin noted the applicants are within the point of the comprehensive plans regarding the application. The comprehensive plan notes sites such as the one proposed where there is a redevelopment of small scale use.

Mr. Glackin contacted several local police departments, such as in Cherry Hill who reported no major crime incidents were recorded upon a Wawa opening in 2013. One major complaint recorded was of truck noise and loud music from radios, which were resolved.

Research was conducted through Zillow and other home related data with regards to estimated market value. Also, property value analysis was conducted included, location, square footage and school rating. It was concluded

homes located near a recently built Wawa has a forecasted increase value of 16% within three years and a projected 2.8% increase within two years.

Jim DeSantis of McMahon Transportation Engineers & Planners provided an overview of the previous traffic impact study completed by reviewing existing conditions with the development. The proposed access operation and ways to mitigate the impact of additional traffic was also reviewed. It was found the additional traffic generated by the site going through the intersection of Swamp and Ferry Roads could be mitigated with the exception of a northbound right hand turn. The applicant has agreed to add the right hand turn lane as part of the development.

Upon a request to also view the cut through traffic, a mythology report with the applicant's engineer using vehicle utilizing Tidwell and Neal Road was submitted. The report compared volume of specific vehicles, speed and the operation of Ferry and Tidwell Roads. No evidence of cut through traffic was found with the exception of one or two vehicles from the neighborhood. With the proposed improvements along Ferry Road, the cut through traffic will be diminished.

In order to keep within one topic, Ms. Hendrixson requested all questions stay within one category to begin with fueling related issues.

Resident; Barbara Schempp of 10 Valley View Drive questioned; if water testing will be conducted only once per year. Mr. Fort indicated yes with additional testing if an incident should occur. Ms. Schempp responded; the water should be tested more than once per year due to possible impact during a large time gap. Mr. Fort answered; the systems at the service stations are monitored twenty-four hours per day continuously, electronically and checked by staff on a regular basis. Ground water flows slowly under most circumstances and not a rapid situation. Although, with the fracture flow of the site, it can become more rapid than through a granular rapid flow. This is reason with the attention placed on the strike and dip of the bedrock and sentinel wells installed.

Resident; John Lytle of 29 Pine Mill Circle questioned; what year was the vapor recovery in vehicles introduced. Mr. Fort indicated no cars before 1988 have vapor recovery. Mr. Lytle then questioned; how many pumps were noted in the study regarding Vermont. Mr. Engler answered; six pumps were noted in the study.

A resident commented on the presentation using words as "maybe" or "probably", which does not provide confidence to the residents a spillage will not occur. He then questioned with all the precautions noted, why a recent spillage occurred at a Wawa in New Jersey on May 15th. Mr. DeSantis addressed the question by explaining the spillage occurred due to operator error when the gas attendant unfamiliar with filling a boat placed the gas nozzle in the wrong area. The incident was immediately attended to by pressing the stop button and contacting the proper authorities. As a result, Wawa immediately changed their job aid to retrain gas attendance so a repeat of the incident does not occur. Upon a brief discussion regarding the State of Pennsylvania residents pumping their own gas, Mr. DeSantis explained gas station staff will follow similar procedures by pressing the stop button and calling the proper authorities.

Resident; Karen Murphy of 68 Valley View Drive questioned Ms. Engler if she lives or will allow a gas station to be built near her residence. Ms. Engler indicated yes and was impressed with the improvements made construction, gasoline content and car construction. Mr. Murphy suggested Ms. Engler visit the site of the proposed gas station to view how close their community will be. Ms. Engler agreed.

Mr. Lowenstein stated potential can always be found and the everyone should give the opportunity for an explanation how precautions are in place to lower the chance of accidents. He continued, there are no guaranties an incident will occur. A resident responded; the residents chose to live in a community not zoned for commercial use and to change the zoning district to allow a potential hazardous situation near a residential neighborhood is unfair.

Resident; Dr. Thomas Tirney of 77 Pine Mill Circle commented Doylestown Township has tank where water is pumped off Ferry and Chapman Roads. As noted in the presentation, there is no guaranty the water will not be contaminated. Mr. Tirney indicated during the presentation the word "low risk" was used and asked how the township will take care of pumping water that may be contaminated into the tank that services Pine Run Circle and the surrounding area. He noted; if contamination should occur it will be a significant cost for the township, which tax payers will be responsible for. Mr. Fort responded; the tank cannot be contaminated because gasoline no longer contains MBTE. A resident responded at one time MBTE was consider an asset to gasoline and there are no indication additives currently used will eventually be hazardous. Mr. Fort answered; ethanol is not toxic and currently in many popular drinks. Although ethanol is a ground water contaminate, it's also a naturally occurring material.

Resident; Elizabeth H. Selvaggi of 333 Windy Run Road commented the residents chose to live in a community not zoned for commercial use nor do they want to.

Environmental Questions:

Mr. Kelso questioned Mr. Fort if any specific geological site investigations were conducted. Mr. Fort indicated he has not. Mr. Fort added previous investigations have been completed by Whitestone Associates as a Phase II with regards to the borings on the side. The borings went down to the bedrocks surface, however were not explored. However, the contour of the bedrock will be established as part of the site development and the course of installing the four sentinel wells. Mr. Fort confirmed all studies regarding strike and dip were completed by reviewing materials.

Mr. Kelso then addressed the perched water table and how it will stop movement of water. Mr. Fort clarified the perched water table essentially stops the local drainage of water. The perch water tends to cool on top of the bedrock surface in localized areas and there is no water movement along the fracture of the bedrock.

Mr. Kelso questioned is there will be penetration into the bedrock. Mr. Fort answered; there are recharged areas, but unsure where they are located. Mr. Kelso questioned where is the oil water separator shown on the site. Mr. Fort answered; an oil water separator is located in every inlet to the north corner of the site and as close to the intersection as possible. The oil separator is installed on the down grade inside of the situation where the discharge of impoundment is located. The oil separator will be installed after the infiltration of the storm water. This will serve as a secondary protection after separation of the storm water.

Mr. Kelso questioned if any additional penetration of contaminates studies have been conducted in the concrete. Mr. Fort indicated no, but has witnessed many gasolines spills on concrete. Of these spills, no permeation has saturated through six inches of concrete to the underline soil. Mr. Kelso questioned what happens to the inlets when there is no water in them and fills up with contaminates. Mr. Fort answered; water stays in the inlet at all times. They are filled up during construction, where a sump is located at the bottom and it drains out to the invert elevation of the outlet pipe. Mr. Kelso then addressed if the basin will discharge more than they will infiltrate and asked if the numbers were studied. Mr. Fort indicated no with regards to calculations, the soil permeability tests were viewed on the property and it's extremely slow. Additionally, the surface of the bedrock is impervious over most of the area.

Mr. Kelso questioned if tests were completed of wells along the neighborhood. Mr. Fort indicated no and more than five wells were located along the site located south of the neighborhood. He added more than 2/3 to 3/4 are located south of the site with some located northeast. Mr. Van Luvanne added; the five wells are only noted under public record.

Ms. Stern Goldstein referenced slide 22 of the presentation and noted a statement indicating every storm inlet will protection from grit, trash and oil. However, the land development plans only five inlets are fitted with a snout. Mr. Fort clarified every inlet is immediately upstream of the bio-retention and storm water basins is fitted with a snout. Ms. Stern Goldstein noted for the record the statement is not clear. Mr. Glackin added; all of the water goes through the protection.

Zoning \ Traffic Questions:

Resident; Dr. Thomas Tirney of 77 Pine Mill Circle noted the presentation indicating a 50 percentile below the speed limit and 50% above the speed limit then asked how much above. Vehicles travel very fast along Ferry Road. Mr. DeSantis clarified; a speed study was conducted along Tidwell Drive and it was found the average speed was 25 miles per hour. However, the 85 percentile speed was 32 miles per hour on Neil Road and 33 miles per hour on Tidwell.

Resident; Joseph T. Herrity of 5 Pine Mill Circle questioned if the traffic study on Tidwell and Neil was expanded to Chapman Road. Mr. DeSantis answered; the original study viewed several intersections. However, he was unsure if Chapman Road was included. Penn Dot and the township traffic engineer was contacted and established the study for the applicants. The proposed Wawa will generated mainly pass by traffic and statically it was determined traffic will travel on existing roadways. Mr. Herrity then questioned how much traffic will be expected during a day. Mr. DeSantis responded; based upon the trip generation study, 150 to 170 new trips per hour will be generated to the site. When this number is added to the existing roadway network distribution and consideration of the impact to the intersection, an increase in the delay was found, which will need to be mitigated. The applicant proposes to add a right turn lane on the northbound approach of Ferry Road. The right hand turn lane will add a capacity to the intersection and will work better. Ms. Hendrixson added; a full traffic study is available for public review.

Resident; John Lytle of 29 Pine Mill Circle noted a small bridge off Chapman Road which cannot handle the crossing of heavy trucks. He questioned what route will the Wawa trucks utilized for deliveries. He then commented the impact of noise and diesel fumes.

A resident questioned what is the ordinance on light and noise along a residential neighborhood. Ms. Hendrixson answered; the township has an ordinance in place for noise and lighting. Lighting for the proposed site will need to be shielded and not spill onto residential properties. All zoning issues will be addressed through the Zoning Hearing Board.

Resident; Karen Murphy of 68 Valley View Drive questioned if accurate traffic studies were completed before and after the Wawa in Plumstead Township was constructed. Wawa Real Estate Project Engineer; Mike Reedle answered; traffic studies were completed prior to all Wawa constructions, but no post studies are completed.

Resident; Kimberly Cathers of 200 Tidwell Road commented on the vehicles speeding and cutting through the development. She also stated when buses arrive at Temple Judea, traffic backs up on Ferry Road consistently. Additionally, trucks can be clearly heard traveling on Ferry Road. With the proposed Wawa site and current

construction of a new community off Route 313, traffic and noise will increase with disastrous results. Mr. Reedle responded the traffic studies have taken into account the increase traffic and the impact on the intersection. With the traffic, the proposed intersection will work better, so the development is mitigating its impact. Other existing problems will be difficult to resolve. Mr. Reedle commented on Wawa studies by stating a very good statistic on how much and how to handle traffic is generated. All developments previously completed function as predicted, because the worst case scenario is first considered.

Resident; Robert W. Dunlop of 335 Windy Run Road questioned why would Buckingham Retail request a Wawa gas station. Making money is not a good enough reason and the better good of the community should be considered. There are several pharmacies and gas stations already situated in the area and there is nothing to be gain by adding another. Mr. Dunlop concluded by requesting the commission making their decision upon these bases.

Resident; Joseph Shiro of 23 Valley View Drive commented there is ambiguity with studies and zoning issues. However, there seems to be no ambiguity when it comes to climate change. The community wants to live in a town that can sustain itself and development is sensible.

Mr. Lowenstein explained the function of the Planning Commission by stating all members are volunteers who try to work through problems that cannot be rectified. The commission tries to located the real issues and hope to provide the Board of Supervisors information with advertisement filtered out. He suggested everyone to focus on the underlining problem. Ms. Hendrixson added; the commission is strictly an advisory board who look at both the developer and resident's views. She clarified, at this time the developers are only requesting a change of zoning. The commission's decision is to determine whether the plans fits within the future of the township and will be a long process.

Resident; Robert W. Dunlop of 335 Windy Run Road commented there are many cars that travel Route 313 and Ferry Road. He then stated the commission should consider what is best for the township.

Resident; Joseph T. Herrity of 5 Pine Mill Circle noted approximately two months ago the Board of Supervisors denied the applicant's request for change in zoning. He then requested before the change in zoning is considered, it may become a very slippery slope and laws are there for a reason.

Resident; John Shuler commented on the different crime pattern between Doylestown Township and Philadelphia as noted in tonight's presentation. The issues of tonight's study are not accurate and crime records should be reviewed along the area since the CVS Pharmacy was constructed. He also noted the website Zillow use for recording home value uses a geo-demographic formula, which is not the way to project the value in the area.

Resident; Dawn Farber of 38 Neil Drive commented how having a gas station developed across the street from her home will not be feasible for her family. Knowing a zoning change was being considered, she would have never moved into the home where her child cannot play safety in the back yard.

Mr. Kelso questioned if any noise studies were conducted. Mr. Glackin indicated no studies were completed. Mr. Kelso questioned what is the impact of the 180-foot buffer from the noise. Mr. Glackin answered; trees do not have a terrific impact on noise. However, with the combination of the fence, trees and distance will have an impact. Mr. Kelso questioned if there are any business on the properties along Plumstead and New Britain Townships that operate twenty-four hours per day, seven days a week. Mr. Glackin indicated he was unsure of the hours of operation for the CVS Pharmacy. Mr. Kelso questioned if any real estate appraisals have been conducted on a

Wawa site before and after. Mr. Glackin indicated he is not a real estate appraiser, but tried to provide information if any home residing next to a Wawa has a difference between one that is not. The study found no difference.

Mr. Kelso questioned if the township approved the zoning change, can a separate applicant propose a site with a gas station. Mr. Van Luvanee indicated yes and reason why the applicant filed an application for a land development plan with the amendment. Mr. Kelso commented the commission considers the possibility of a property changing hands when a zoning change is requested. Mr. Kelso questioned if the applicants are aware of competing sites for a Wawa within a few miles of the proposed property. Mr. Glackin indicated he did not. Mr. Kelso questioned if the applicants are considering more than one location within three miles of the proposed site. Mr. Glackin answered; the goals are not to have Wawa located within three miles from one another. There are also no other proposals submitted.

Resident; Barbara Schempp of 10 Valley View Drive questioned with the home value comparison, was the range within \$200,000. Mr. Glackin answered; the value range was within \$200,000 to \$300,000 and no home located within the community near the proposed site was included. Only changes in value between home near a gas station was considered.

Mr. Kelso questioned the name of the street located directly across the street from the Burgan property. Mr. Glackin indicated State Street and New Britain Road is located across the street. Mr. Kelso then noted the area as an arterial road. Mr. Glackin responded; between the Doylestown Borough line and towards Route 202 is not considered an arterial road. Ms. Stern Goldstein added; between the Borough line and Route 202 is the end of the farm and Poole's Corner. Mr. Glackin corrected and stated the arterial road is between the Borough line towards the Route 611 Bypass. The other side of the Route 611 Bypass is not a community arterial road. Mr. Kelso disagreed.

Ms. Stern Goldstein noted Boucher & James, Inc conducted a brief review of the documents, which was delivered to the township on Friday before tonight's meeting. There is a list of minor inconsistencies that will be addressed at a later time. Mr. Lowenstein questioned if it's more appropriate to view the definition of use for the C1 District. Ms. Stern Goldstein clarified; the suggestion was that if the township felt a need to entertain the convenient store \ gas station use, it might be more appropriate to view the use being accommodated in the C1 District, which currently permits gas stations.

Mr. Van Luvanee requested several corrections be made from the March 23, 2015 Planning Commission meeting minutes. The motion noted five points, where it should have read eight. With several commissioners absent, a full recommendation was not presented. He requested a full recommendation be made for the record. Mr. Van Luvanee indicated a number of issues raised with land development and the impact of the use proposed to be developed on the site, which is controlled by other zoning issues and provisions not discussed. The natural buffer proposed will need to be supplemented.

Mr. Van Luvanee requested to utilize Mr. Kelso's list of recommendations and clarification of the statement the site conflicts with the existing use of the township's. Mr. Kelso clarified; the site has more of an intense use than the other uses in the two municipalities. He believes it's a conflict how the township interprets the comprehensive plan. Upon a discussion regarding how the use should be represented, Mr. Kelso suggested to review the zoning on the proposed property to reconsider what was looked at ten years ago and make any changes necessary.

Upon describing his recent visit to the Wawa in Plumstead, Mr. Kelso stated he cannot see anyone living next to a gas station. He added; Wawa is a great corporation with a wonderful business plan. Mr. Van Luvane indicated the

applicants adjusted their plans to provide the best for the neighborhood in the land development process. Mr. Kelso responded the vision for the area is a business development. What is found in a busy corridor is a good buffer between the residents and a highway similar to where the site is located. This is found with an office use. If it's done correctly, the building itself can become a buffer.

Upon a discussion ensued between Mr. Kelso and Mr. Van Luvanee regarding the comparison between the township comprehensive plan and the proposed site, Mr. Kelso stated when it comes to land development plans the township is in control on how the proposed site moves forward. He commented how impressive the March 23, 2015 presentation conducted by the residents opposing the proposed plan was and it will be unfair to drag on the process.

A resident commented on the wells located on the property by stating they are located less than 1,000 feet.

Mr. Hendrixson agreed with Mr. Kelso's statement to move forward with a recommendation to the Board of Supervisors. Mr. Lowenstein explained the process by stating once the Board of Supervisor view the plans, it will be returned to the Planning Commission to review and schedule another meeting to work on details regarding zoning. The process is designed to be slow.

Mr. Lowenstein indicated he disagrees with the wording of the proposed zoning change in relation to consistency, structure and some items proposed. Although he agrees the process should move forward, Mr. Lowenstein suggested to note on the motion specific items needed to be modified. Ms. Hendrixson clarified the motion is to decide to amend the C4 District to include the two uses. Ms. Hendrixson agreed Wawa is a good business, but doesn't want to see a twenty-four convenient store near a residential area. She is also opposing to the Rite Aid and another big box drug store across the street from an existing one. It will not be good town planning and the C4 District zoning states the same.

Mr. Kelso added; the commission will need to review the C4 District and E10 use to decide if it's up to date.

In the form of a motion by Mr. Kelso the Doylestown Township Planning Commission recommends the Doylestown Township Board of Supervisors not approve applicants; Buckingham Retail Properties, LLC request to include uses E10 and E1 in the C4 Zoning District for the following reasons...

- 1) Zoning District C1 provides for a use E10 and other zoning districts provides for E1. Those districts are infinitely more suitable for the proposes uses than another in the proposed C4 District and would have significantly fewer negative impacts on the surrounding uses than in Fountainville.
- 2) ~~The addition of the E10 use presents the added potential of ground water contamination in area heavily depended upon individual wells.~~
- 3) The intensity of the propose uses are in direct conflict with the township's comprehensive plan, which identifies uses for these parcels that would provide buffering of the adjoining residential neighborhood from the traffic of Swamp Road. The propose uses are significantly more intense of those uses anticipated in the comprehensive plan.
- 4) The type and intensity of the proposed uses are in conflict with the existing uses in the adjoining properties in Plumstead and New Britain townships from the stand point the E10 use proposed allows for 24 hour \ seven days a week operation.

- 5) Allowing the propose uses on other parcels in the township remains a concern. Particular on West State Street and Butler Avenue. The township is currently working with New Britain Borough, Delaware Valley University and Bucks County Planning Commission to discuss uses in those areas.
- 6) The applicant is not providing a convincing argument for a zoning change other than no current demand for the uses currently allowed in the C4 District
- 7) The additional requirement added to the current ordinance that would allow E10 use only in the corner of two arterial highways. This shows similarity to spot zoning and maybe challengeable.
- 8) The Planning Commission reminds the Board of Supervisors a Wawa is not being considered in this case, but a zoning change. If Wawa decides to relocate to another site, it opens this site to other potential applicants for the same use.

Upon Mr. Redfield noting the storm water issue fairly resolved by the ground water. Mr. Kelso responded there are two issues of concern. The first being human error and the second is ground water infiltration is being used for the storm water. In theory, provides a direct conduit into the ground where there is a problem.

Upon a discussion amongst the commission, it was the consensus to remove the second note of the motion.

Mr. Redfield seconded the motion with the corrections noted.

Motion carried 4 to 1 with Mr. Lowenstein abstaining.

Adjournment: The May 20, 2015 Doylestown Township Planning Commission Regular meeting was adjourned at 8:55 p.m.