

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING
Saturday, July 22, 2006
9:00AM

The special meeting of Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 9:07AM and opened with the Pledge of Allegiance.

Also present were: Richard J. Manfredi, Vice-Chairman
 Barbara A. Salvadore, Supervisor
 Kenneth B. Bennington, Township Manager

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Harry Mason of Morgan Lane noted that several years ago, the Supervisors initially considered a Snow and Ice Removal Ordinance. At that time, a walking trail crossed Orchard Road into the Orchard Station development, making use of the sidewalk along Morgan Lane across the street from Mr. Mason's home and then continuing to where it joined the walking trail leading to the site of the Penn Central Middle School. Under the requirements of that Ordinance, those homes with the sidewalk or walking trail in front were proposed to have the snow and ice removed by the Township, while other residents would be responsible for their own snow and ice removal. The Supervisors at that time tabled that Ordinance. Mr. Mason believes there are now many more similar situations and suggested that this proposed Snow and Ice Removal Ordinance should also be tabled.

Supervisor Manfredi explained that the Mayor of Silverdale had approached the previous Board of Supervisors about the issue of clearing the sidewalks near the Penn Central Middle School. Mr. Bennington agreed that was correct, but explained that Mr. Buzby, Director of Public Works, also expressed concern with the fact that there are many sidewalks owned by the Township, which would, by this Ordinance, be required to be cleared immediately, when the primary focus of the Public Works Department is clearing the roadways of snow and ice. Discussion took place.

Supervisor Salvadore advised that the Snow and Ice Removal Ordinance is listed on today's agenda simply for discussion purposes.

2. Mrs. Eleanor Cobb of 2300 Rickert Road asked how the proposed McGrath development would be served with public water and sewer. Chairman McIlhinney advised that the proposed McGrath development is not an agenda item for today's meeting.

Supervisor Manfredi explained that McGrath Homes is asking the Board of Supervisors to re-zone the property in question to permit the development of an age-qualified community in the RR District. The Board of Supervisors has not yet had discussions as

to whether or not the developer's request to re-zone that site would be granted. Anything about what the developer wants to do on that property, including if it is to be served by public water or sewer, is premature. Therefore, he advised that at this point in time, there are no plans to extend public water or sewer to that property.

*Mrs. Cobb also read a prepared statement into the record, a copy of which is attached to these minutes.

Mrs. Cobb referred to a copy of the proposed Ordinance amendment that states that the Conservation Management District would replace the Rural Residential Zoning District, which includes a major portion of Hilltown Township. Supervisor Manfredi explained that the RR Zoning District is not being eliminated; rather the focus is just being driven by the Conservation District. He noted that the words "Rural Residential" are being replaced with the words "Conservation Management" because both are synonymous.

Concerning open space, Supervisor Manfredi has, for the past two years, advocated that the Township should be more assertive and aggressive with acquiring open space. He had proposed to the Open Space Committee and other Township boards, that Hilltown Township should consider borrowing funds to purchase open space properties that are available at this time.

With respect to Non-Contiguous Open Space, Supervisor Manfredi was the member of this Board who put forth the question to the Planning Commission, along with Supervisor Salvadore, to consider whether or not non-contiguous parcels of land could be considered for open space. These are proactive issues that this Board is attempting to accomplish.

Supervisor Manfredi does not understand why anyone in the Township office would tell Mrs. Cobb's husband that no changes are proposed to the Zoning Ordinance. Clearly, the Township has been considering amending the Zoning Ordinance for many, many months, and a draft is available for public review. Supervisor Manfredi explained that there is a process available for anyone to receive any and all information that the public is entitled to. He urged Mrs. Cobb to contact the Township Secretary or Manager, who would be happy to provide that information to her. Further, he noted that the McGrath Homes proposal was discussed at several Planning Commission meetings, and the file on the proposal is available at the Township office for review at any time.

Supervisor Salvadore asked Mrs. Cobb to elaborate on her comments about proposed developments where the property is not being properly maintained. Mrs. Cobb replied that there are as many as six development sites throughout the Township where noxious weeds have been permitted to grow, and where the developer has made no attempt to maintain the properties in a presentable fashion. Supervisor Salvadore asked Mrs. Cobb to provide the Township with site-specific information so that the matter can be pursued.

Supervisor Salvadore feels that the Board of Supervisors is in agreement with and supports the preservation of open space.

3. Mrs. Denise Hermany, member of the Planning Commission, assured Mrs. Cobb that the name "Conservation Management District" replacing "Rural Residential District" is really a matter of semantics, and is simply a name change. The Planning Commission is currently reviewing the Zoning Ordinance to improve it, and one of the main issues was that at the present time, with the piggybacking of water, someone can achieve a 50,000 sq. ft. lot without any conservation. Therefore, it is the Planning Commission's desire to propose 80,000 sq. ft. lots or 50,000 sq. ft. lots with open space or 40,000 sq. ft. lots for conservation with even more open space. Mrs. Hermany noted that it was not the Planning Commission's intention to eliminate the RR District, but to conserve land.

B. ORDINANCES – LAND USE:

1. Buffer Requirements – The proposed Zoning Ordinance amendment 160-33 regarding buffer yard requirements was discussed. Supervisor Manfredi felt that corner properties, with two front yards, should be properly buffered on both sides. Mrs. Hermany of the Hilltown Planning Commission noted that this was a topic of discussion, however it was inadvertently omitted from the draft forwarded to the Board. She knows that Lynn Bush of the Bucks County Planning Commission does have side yard buffer descriptions that could easily be incorporated into this proposed amendment.

Supervisor Salvadore advised that this proposed amendment does not refer to Type 4 buffers and Type 5 buffers, and therefore she assumes that those remain the same if they are not included. She explained that the table of buffers lists 1 through 5, however it appears that the language only refers to 1 through 3. Mrs. Hermany believes that the Supervisors may be missing some pages of the proposed amendment. Discussion took place.

Motion was made by Supervisor Manfredi, seconded by Supervisor Salvadore, and carried unanimously to authorize the Township Solicitor to draft, for review, consideration, and subsequent advertising upon the consensus of the Board, a final draft Ordinance for buffer yards, to include the addition of side yard language and type 4 and 5 buffers being included in the table of buffers. There was no public comment.

2. Bed and Breakfast Ordinance – The recommendation of the Planning Commission to remove the minimum allowable lot size for a bed and breakfast facility was discussed. According to the proposed amendment, it appears to Supervisor Manfredi that a bed and breakfast could be permitted on a 2-acre parcel, a 1-acre parcel, or a 50,000 sq. ft. lot, as long as all other provisions of the Ordinance are met. If that is

the case and his fellow Supervisors agree, Supervisor Manfredi requested verification from the Township Engineer that this was the intent of the proposed amendment. Chairman McIlhinney feels that there should be a minimum lot size requirement imposed. Supervisor Salvadore noted that this use is permitted in the RR, CR-2, and VC Zoning District, which would certainly be affected by the lot size. Supervisor Manfredi advised that another requirement is for the bed and breakfast use to be permitted only within existing structures constructed prior to 1910, many of which may be on properties that are less than 3 acres. Chairman McIlhinney felt that a minimum lot size should be established in order to address the parking issues. Further, if no minimum lot size is established, Chairman McIlhinney advised that public water and sewer should be required. The Supervisors felt that the requirement for sewage disposal methods to conform to the requirements of the Bucks County Department of Health and the Hilltown Sewage Facilities Plan should remain in the amendment. Supervisor Salvadore also noted that there is a requirement for the maximum uninterrupted length of stay to be seven (7) days, which she feels is unreasonable and prohibitive.

Motion was made by Supervisor Manfredi to authorize the amendment of the Bed and Breakfast Ordinance by the Township Engineer and Township Solicitor to reflect the comments of the Board of Supervisors at this meeting with respect to lot size, duration of stay, and water and sewer issues, as discussed; and if the Township Solicitor deems these amendments not to be substantive, that it be placed on a future agenda for consideration.

Chairperson McIlhinney felt that placing this matter on a future agenda would be premature because the proposed amendment requires additional consideration for the various zoning districts in which this use is permitted. He suggested that perhaps there should be a separate Bed and Breakfast Ordinance for each of the zoning districts in which it is permitted – for instance, when in the RR District, there could be a 3-acre minimum, while in the VC District, there could be a ½ acre lot minimum as long as there is public water and sewer. Supervisor Manfredi agreed that a new draft should be established, incorporating the comments made here so that there is now a new working document for consideration.

Supervisor Manfredi withdrew his original motion.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to authorize the Township Engineer to revise the proposed amendment to the Bed and Breakfast Ordinance to reflect and incorporate the comments of the Board of Supervisors at this meeting, with respect to lot size, duration of stay, and water and sewer issues, as discussed, in order to draft a new working document for further review and consideration by the Board of Supervisors.

Public Comment:

1. Mrs. Eleanor Cobb of 2300 Rickert Road thanked the Board for consideration of the proposed Bed and Breakfast Ordinance, stating that she is opposed to requirements that would permit guests to stay for longer periods of time, such as up to a year.

When permitting the renovation of a barn for a Bed and Breakfast use, Mrs. Cobb asked if that would make the site a business property under the tax code. Chairman McIlhinney would assume that running any business on a property would be taken into consideration by the Board of Assessments. Supervisor Manfredi advised that it would be a determination by Bucks County as to how the property would be assessed.

Motion carried unanimously. There was no further public comment.

3. Accessory Family Apartment – The Board reviewed the proposed Accessory Family Apartment Ordinance. The reason Supervisor Manfredi asked that this Ordinance be created was to address the issue of families caring for elderly or disabled family members. He is not comfortable, however, with calling it an “Accessory Family Apartment” Ordinance, because it was never really intended to create an apartment. Supervisor Manfredi wished to make it clear that this is an accessory family residence, and would be an accessory use to a principal residence, which has not been clearly defined in the amendment before the Board at this time. Supervisor Salvatore agreed with the removal of the word “apartment” since it may imply that it is a rentable unit. Chairman McIlhinney commented that allowing the word “apartment” to remain would leave it open to interpretation as to whether the unit would be attached to the house or for instance, if it would be built in a barn or above a garage. Supervisor Salvatore advised that the words “apartment” and “residence” are not defined in the “Words, Terms and Phrases” section of the Ordinance. Supervisor Manfredi is most concerned with the terminology, however if there is a clear definition for the words “accessory family apartment” in the Ordinance under “Words, Terms and Phrases,” he would be agreeable. Chairman McIlhinney, however, would rather have the words “Accessory Family Apartment” defined by description in the Ordinance itself. Discussion took place.

Motion was made by Supervisor Manfredi to add a specific definition to the “Words, Definitions, Terms, and Phrases” section of the Zoning Ordinance for “accessory family apartment,” and to authorize advertisement of this Zoning Ordinance amendment once the term has been defined as directed. No vote was taken at this time.

Chairperson McIlhinney wished to continue review of the draft Ordinance for the purpose of public discussion.

Supervisor Manfredi suggested that in the future, copies of any proposed Ordinances that are being discussed should be available for public review during the meeting. Chairperson McIlhinney and Supervisor Salvadore agreed.

Chairperson McIlhinney questioned item (2), which states "Occupancy of such use shall include only relatives of the family occupying the principal residence." In light of recent court decisions, he advised that the definition of family and extended family are quite broad. Supervisor Salvadore read the current definition of "family" as found in the Zoning Ordinance – "One person or two or more persons related by blood, foster relationship, marriage, or adoption, and in addition, any domestic servants or gratuitous guests thereof, or one or more persons who need not be so related and in addition domestic servants or gratuitous guests thereof who are living together in a single non-profit dwelling unit and maintain a common household with single cooking facilities; a roomer, boarder or lodger shall not be considered a member of the family." While a member of the Zoning Hearing Board, Supervisor Manfredi recalls a specific case where the definition of "family" referenced permitting only one single cooking facility. Chairman McIlhinney described a scenario of an elderly parent living in an apartment in a garage or a barn who would eventually require a full-time live-in nurse, and asked if that nurse would be permitted to live in that apartment. Supervisor Manfredi stated that it was his original intent of this Ordinance to allow a family with parents, guardians, or other blood relatives requiring care, to live in a residence with their own kitchen facilities and their own access, without having to place those individuals in some sort of long-term care facility. He believes that a provision should be built into the Ordinance that if someone other than an immediate family member will be residing in that residence, a special request must be made of the Township. Discussion took place. Supervisor Salvadore believes that it is simply a matter of accommodating the language in the definitions section of the Ordinance.

Motion was made by Supervisor Manfredi, and seconded by Supervisor Salvadore to authorize the final drafting by the Township Solicitor of the Accessory Family Apartment Ordinance amendment language as noted above for the Board's consideration. No vote was taken at this time until the entire proposed amendment had been discussed.

Chairperson McIlhinney referred to item #4, which states, "Only one (1) accessory family apartment shall be permitted per single-family detached dwelling." He personally knows of someone who took in both sets of parents, and wondered how that would be permitted under this requirement. Supervisor Salvadore suggested that this type of scenario would require special consideration by the Board of Supervisors. Chairman McIlhinney suggested specific language, such as "Additional family members must be accommodated by Conditional Use approval by the Board of Supervisors." Supervisors Manfredi and Salvadore were agreeable.

Motion was made by Supervisor Manfredi and seconded by Supervisor Salvadore to amend the previous motion to include adding language to the Accessory Family Apartment Ordinance that states "Additional family members must be accommodated by Conditional Use approval by the Board of Supervisors." No vote was taken at this time pending additional review of the proposed Ordinance.

Chairperson McIlhinney noted that the following language was stricken from the proposed Ordinance amendment, which he feels should remain, "Identify the occupant or occupants of the accessory use." Supervisor Manfredi does not believe that the occupant must be identified, however some identification of the relationship to the individual or individuals should be required. Supervisor Salvadore commented that for this particular use, the identification of the relationship should be done through the application process, for which a specific form should be developed.

Motion was made by Supervisor Manfredi to strike the previous amendment to the motion, and to add Conditional Use language and to add the provision to require that the applicant note the relationship of the extended family member on the application for accessory family apartment use. Motion was seconded by Supervisor Salvadore.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road has a friend who has had various cousins living in his apartment for the past twenty years, and wondered what would happen when these people die, and the apartment is no longer being used to house family members. In Supervisor Manfredi's opinion, this provision should only be used for immediate family members. Mrs. Cobb commented that a provision such as that would be almost impossible to enforce unless the Township required legal documentation. Chairman McIlhinney takes issue with only permitting "immediate family members" and the definition thereof. While it was not his original intent, Supervisor Manfredi did not object to including extended family.

As a nurse, Supervisor Salvadore commented that part of therapy is to keep people as self-sufficient as they can possibly be for as long as possible, and having their own cooking facilities to care for themselves encourages that type of rehabilitation. Supervisor Salvadore wondered how the Township would address subsequent owners of the property and their use of the accessory family apartment. Chairman McIlhinney commented that subsequent owners could always appeal to the Zoning Hearing Board.

Mrs. Cobb wondered if consideration would be given to mobile residences, citing a scenario of a family member experiencing an emergency such as the recent flooding, and being able to provide a large recreational vehicle to park next to a primary residence until the emergency passes. Chairman McIlhinney believes that sort of scenario could be

handled on a case-by-case basis with perhaps a 30-day time limit. Supervisor Manfredi suggested that the Township Manager and Zoning Officer discuss this issue with the Township Solicitor or Engineer to determine if there is any provision that would allow someone to have a temporary residence in an emergency situation; and if not, to propose language to accomplish that. The Board unanimously agreed. Supervisor Salvadore commented that the Township's Emergency Management Plan should address that. Supervisor Manfredi noted that the Emergency Management Plan only takes effect if an emergency is declared.

2. Mr. Harry Mason of Morgan Lane was concerned with using the word "accessory" and asked how that word would differ from the word "auxiliary." Chairman McIlhinney advised that the word "accessory" is simply a form of zoning language.

3. Mrs. Denise Hermany stated that the Planning Commission sometimes tried to capture their reasoning or thought process for strikeouts in these Ordinance amendments in their Worksession meeting minutes, if the Board had any questions. She commended the Board of Supervisors for their thorough review of the proposed amendments, and for thinking outside the box by considering alternate scenarios when reviewing each Ordinance.

Chairperson McIlhinney called for a vote on Supervisor Manfredi's latest motion, and it passed unanimously. There was no further public comment.

Supervisor Manfredi reminded those in attendance that the Board will ultimately have to decide whether or not they want to adopt these amendments independently as separate Ordinances, or if they will be considered part of the draft Zoning Ordinance amendment.

4. Historic Resource Ordinance – It was Supervisor Salvadore who raised this issue, because to her knowledge, the Township does not have a Historic Resource Ordinance. She requested that the Board of Supervisors discuss and determine whether or not the Township should adopt a Historic Resource Ordinance.

During the last five years that Chairman McIlhinney has attended Planning Commission meetings as a resident and then as a member, the word "historic" was mentioned many times and has generated quite a bit of interest, however he finds it interesting that some people think the word "historic" is a synonym for "old" and vice-versa. Supervisor Salvadore commented that the last statement was Chairman McIlhinney's personal opinion, and not necessarily the opinion of the Board as a whole. She requested that the Board of Supervisors discuss and determine whether or not the Township needs to adopt a Historic Resource Ordinance. Supervisor Manfredi advised that the Township's definition for "historic preservation" states, "Historic preservation is the protection, rehabilitation, or restorations of districts, sites, buildings, structures and artifacts,

significant in American history, architecture, archaeology or culture.” He believes any Ordinance would have to demonstrate those things to be considered historical. Chairman McIlhinney noted that some property owners may not be interested in preserving historical buildings or features, and may wish to use their property in the way they see fit. He wondered who would make the decision on whether or a not a property is declared to be historic. Supervisor Manfredi is not certain who would initiate the application process for designation of an historic property, and wondered if an organization has the authority to designate someone else's property through the Pennsylvania or National Historic Museum Commissions.

Before considering a Historic Resource Ordinance, Supervisor Manfredi felt that this issue should be an agenda item at the Land Use Forum to be held this fall. Chairman McIlhinney expressed concern that a majority of individuals might support the right to tell others what they can or cannot do with their property with respect to historic designations. The Board directed Mr. Bennington to determine what the process is for having a specific property designated as historic by the Pennsylvania Historic Museum Commission or the National Registry. Supervisor Salvatore commented that some municipalities have their own historic commissions, as well. Chairman McIlhinney has received correspondence requesting that Blooming Glen be declared an historic village, however he strongly feels that it should be up to the individual property owners as to whether or not their property is deemed historic. Supervisor Salvatore agreed that should be part of the process, and stated that the Supervisor's job should be to listen to the residents before making a determination. Supervisor Manfredi would be very interested in hearing public comment at the Land Use Forum. Supervisor Salvatore wished to make it clear that she would not even consider a Historic Resource Ordinance if the property owner's opinions and wishes were not considered, and believes Chairman McIlhinney and Supervisor Manfredi would agree.

Public Comment:

1. Mr. Joe Marino of Redwing Road commented that several years ago, the Township was awarded a \$20,000.00 grant to conduct an historic study on the village of Blooming Glen, which did not come to any real conclusions other than to commend the residents on the great job they have done on preserving the village. He agrees that something must be done to address historic issues, however he does not feel that funds should be spent for another study, and agreed with Chairman McIlhinney that the final decision should be that of the individual property owner.

2. Mrs. Denise Hermany, member of the Hilltown Planning Commission, feels that a public forum on this issue is an excellent idea. She noted that in England, there are certain requirements that must be met for any new construction. However, Mrs. Hermany would be opposed to someone in Blooming Glen, for instance, who proposed

demolishing his or her historic home to construct a modern structure. It is Mrs. Hermany's opinion that there are some instances where the Township does have the right to tell future owners that they must comply with certain historic preservation requirements. If something is not done to preserve historic homes or to insure that the history of this Township is preserved, Mrs. Hermany fears that an opportunity will be missed.

3. Mrs. Eleanor Cobb of Rickert Road served for five years on the Hatboro Union Library Company, which was founded in 1755. An ancestor of Mrs. Cobb left his estate to the library, and she was instrumental in having that estate placed on the Historic Register in 1975, after a very comprehensive review procedure. Mrs. Cobb noted that properties, not just homes, could be considered and listed on the registry as well. For instance, Haycock Mountain is the largest mountain in southeastern Pennsylvania, and there is an historic view of that mountain right here in Hilltown Township. She would certainly support having any of Hilltown Township's villages designated as an historic district in order to preserve the beautiful history of Hilltown.

Supervisor Salvadore once resided in a designated historical home in Doylestown, and advised that an historic designation actually allows the property owner to apply for grant funding to maintain and preserve the dwelling. She commented that there are advantages to residents who pursue historic designation of their property. Obviously, if an individual decides that they wish to pursue a historic designation for their home, Chairman McIlhinney applauds that, however he would be opposed to a governmental jurisdiction determining what residents should do with their property.

The Board of Supervisors unanimously agreed to make this issue an agenda item at the upcoming Land Use Forum.

5. Subdivision Ordinance – Sewer Connection Amendment – Mr. Bennington provided the Board with draft copies of that portion of the July 10, 2006 Supervisor's meeting where this issue was first discussed.

Supervisor Manfredi asked if the language that the Supervisors agreed to has been incorporated into Ordinance form for the Board's consideration. Mr. Bennington advised that the recommended language has not yet been forwarded to Solicitor Grabowski, as Mrs. Seimes just transcribed that section of the meeting minutes on Friday. Supervisor Manfredi feels that Section 124 and Section 140 should first be redrafted before the Board reviews them for a second time.

Chairman McIlhinney referred to Draft B of Chapter 140, Section 140-42, which states, "That each proposed lot is in compliance with Requirements 1 through 3 above except that each proposed lot can be served with an On-Site Community Treatment

Facility in lieu of an individual on-lot, in-ground sewage disposal system.” He believes that the Board, at their July 10th meeting, changed the word “can” to “may.” Further, he feels that this particular section requires further consideration to insure that an individual does not disregard the procedures noted in items 1 through 3 in order to jump right to item 4. Discussion took place.

In the future, Supervisor Manfredi requested that one working document of the draft Ordinance be continually updated with strike throughs, underlining and capitalization, with references to the date of the most recent revisions in the upper right corner of the document. This would insure that any amendments to the document would be reflected through proper notation. Supervisor Salvadore requested that the pages be numbered as well.

This matter was tabled until the Township Solicitor and Engineer make the requested revisions.

6. Barn Ordinance – The Board reviewed the proposed Barn Ordinance. Chairman McIlhinney was concerned with the language in Section B. Eligibility for Additional Uses, Sections 1 and 2, both of which refer to a barn proposed for additional uses being evaluated by the Township and deemed to contribute to the rural and historic character of Hilltown Township; and which also calls for the Township to evaluate the property's eligibility based on its historic or architectural significance. Further there is a requirement for completion of a Barn Preservation Form. Chairman McIlhinney believes that the initial purpose of creating a Barn Ordinance was to encourage people, whether the barn was historic or not, to consider new uses for it. Supervisors Salvadore and Manfredi agreed. Discussion took place.

Supervisor Manfredi suggested that Section B be revised because it seems to change the entire context of the Ordinance. He does not believe that Section C, Additional Use Opportunities, or Section D, Conditional Use Standards are a problem. Supervisor Manfredi does, however feel that Section B, Eligibility for Additional Uses, is where this draft further defines it beyond what the intent was. Chairperson McIlhinney wondered why Village Center was not included in the permitted use table for D3 Office, when CR-1, CR-2, and CMD were included. Discussion took place.

Chairperson McIlhinney was unhappy with the format being used to revise or draft these various Ordinances, and commented that the Zoning Ordinance is not “user friendly.” Supervisor Manfredi stated that the format is another issue. He noted that the amendments being reviewed today are separate, and if the Board adopts them independently, they would then be incorporated into the new Zoning Ordinance. Supervisor Manfredi asked if the Board should consider the context of how these individual Ordinances or amendments fit into the overall Ordinance that the Board will

be reviewing. Chairman McIlhinney thought that these amendments or revisions were to be crafted strictly within the format of the current Zoning Ordinance.

The Supervisors reviewed the Table of Uses in the existing Zoning Ordinance to determine whether any other uses should be permitted. Several hypothetical scenarios with various uses were considered and discussed. If it is not a permitted use in the zoning district in which it is located, it was Supervisor Manfredi's opinion that Conditional Use approval would have to be granted by the Board of Supervisors.

The "Barn Preservation Form" as proposed by the Planning Commission was reviewed. Supervisor Manfredi felt the title should be changed to "Barn Use and Preservation Form," which would clearly tie the document to the intent and the purpose of the Ordinance.

During discussion of the proposed Barn Ordinance, Section B – Eligibility for Additional Uses, item #1, which states "To be eligible for additional use opportunities, the value and character of the barn proposed for additional uses must be evaluated by the Township and must be deemed to contribute to the rural and historic character of Hilltown Township." Supervisor Salvadore wondered who in the Township would be responsible for evaluating the barn and under what criteria. Chairman McIlhinney agreed, and did not understand why the Township would be evaluating a barn that a resident wishes to use for something other than its original agricultural purpose. He felt that language should be included that would clearly encourage the reuse and salvaging of barns. Supervisor Manfredi suggested that Section B Eligibility for Additional Uses" should be changed to "Permitted Use Standards." Lengthy discussion took place.

The Board unanimously agreed that Section B – Eligibility for Additional Uses, must be reworked and revised since the original intent of this Ordinance was not historic preservation, rather it was an effort to salvage existing barns. Therefore, Section B, "Eligibility for Additional Uses" should be changed to Section B, "Permitted Use Standards." The Board agreed that Section B, Items #1.(a) and (b) should be stricken from the proposed Ordinance. With respect to the language in Section B, Item #2, Supervisor Manfredi suggested the proposed language be stricken, and that the language should state either "The property use shall be in accordance with the following standards...." or "The general standards for use shall be...." with a listing of those use standards. The Board attempted to determine a listing of use standards, however Chairman McIlhinney commented that this would call for individual preference, which will be difficult to determine. Supervisor Manfredi once again reiterated that Section B in its entirety should be stricken and replaced with "Permitted Use Standards."

Supervisor Manfredi felt that the Township Engineer should be directed to propose a list of Permitted Use Standards for the Board's review. Supervisor Salvadore does not

believe that the Board of Supervisors can re-write this proposed Ordinance and agreed that it should be forwarded to the Township Engineer. Chairman McIlhinney also felt that the drafting of a Barn Ordinance should be done on the basis of an engineering review.

To be clear for instruction purposes, Supervisor Manfredi explained that the proposed Barn Ordinance, 160-60.2 – Additional Use Opportunities for Barns, should be revised as follows:

- (Current) Section A – “Purpose” would remain.
- (Current) Section B – “Eligibility for Additional Uses” would be struck in its entirety, which means the language would be struck, but it would remain on the next draft, and it would be replaced with the language “Permitted Use Standards.”
- (Current) Section C – “Additional Use Opportunities” would remain as-is, but in the Use Table under D3 Office, VC zoning district would be added as being permitted by Conditional Use.

Further, in the Use Table under E36 Bed and Breakfast, RR (or CMD) zoning district would be added as being permitted by Conditional Use.

Also in the Use Table, “Trades” would be added, and under “Conditional Use Standards” there would be a statement “Any other use would be by Conditional Use by the Board of Supervisors” (specific language to be proposed by the Township Engineer and then finalized by the Township Solicitor).

Discussion took place concerning Section D – “Conditional Use Standards.” Chairman McIlhinney commented that in most cases agricultural uses would be permitted, as would residential uses. Supervisor Salvatore felt that office use, as well as retail stores should be considered. Supervisor Manfredi asked if all the uses Chairman McIlhinney and Supervisor Salvatore were speaking of are to be permitted uses, rather than by Conditional Use. He explained that the last item (#9) under “Conditional Use Standards” states, “Uses must comply with all the other applicable use regulations of this Ordinance.” Therefore, Supervisor Manfredi noted that the chart should contain only those uses that are permitted uses, otherwise the list would be by-right uses. If any other uses are proposed in the CMD, Supervisor Manfredi believes it should be by Conditional Use. He stated that the Board of Supervisors need to communicate what they believe should be by-right uses versus what uses should be permitted by Conditional Use. Chairman McIlhinney referred to the VC districts of Blooming Glen, Hilltown Village

and the Village of Line Lexington, where many small barns are located and which he feels could be used for various trades or retail uses, such as antique or craft shops, or leather product shops, etc. Supervisor Salvadore commented that the Conditional Use process would ferret out the things that would be inappropriate. If there is a short list of by-right uses, and every other use in the CMD is by Conditional Use, then Supervisor Manfredi believes other nuances would automatically be covered. Chairman McIlhinney asked what procedure would be involved if someone proposed an unconventional use for a barn. Supervisor Manfredi replied that it would require Conditional Use approval by the Board of Supervisors. Supervisor Salvadore stated that the Board wants to limit the by-right uses to things that are very clear and would not be questioned, while every other use would require Conditional Use approval. That being the case, she suggested that "Trades" not be included. Chairman McIlhinney disagreed. Supervisor Manfredi advised that if the Board of Supervisors is very clear on the various Trade uses, he would not be opposed since barns would be one of the principle places most Trade uses would be found.

***Chairman McIlhinney called for a short recess from 11:30AM to 11:35AM**

Discussion continued with respect to Section D – "Conditional Use Standards." with the following changes suggested:

- Item #1 should state, "Applicant **should** submit drawings illustrating how the barn will be used to accommodate the additional use.
- Item #2 should state, "Use **should** be designed to preserve distinguishing original qualities and the building setting,"
- Item #3 should state, "Removal of architectural features that are central to the building and history is **discouraged.**"
- Item #4 should state, "Additions **should** be true to the period represented or compatible with the architecture of the structure."
- Item #5 should state, "Deteriorated features **should** be repaired using materials that match the originals in terms of design, color, texture, and appearance."
- Item #6 was discussed at great length. Some suggested language includes "**Parking is preferred and encouraged to be at the rear of the structure.**" "**Parking is not permitted in front of the historic resource unless absolutely necessary.**" or "**Parking should be proposed to accommodate the use.**" Since Item #9 states "Uses must comply with all

the other applicable use regulations of this Ordinance,” of which parking is one, Supervisor Manfredi commented that parking would be adequately addressed. The Board was in agreement.

- Item #7 – language should remain as is.
- Item #8 – Not discussed.
- Item #9 – language should remain as is.

Motion was made by Supervisor Salvadore, and seconded by Supervisor Manfredi, to forward the proposed revisions and recommendations to the Barn Ordinance to the Township Engineer to develop the next draft, as noted above.

Public Comment:

1. Mrs. Eleanor Cobb of Rickert Road commented that by their review, the Board of Supervisors has effectively eliminated every single part of the Ordinance that would have preserved old barns. She is very concerned about putting commercial operations in the middle of rural residential areas. One example is Taborra Farms, which began as a farm stand selling fruits and vegetables. Mrs. Cobb feels that Taborra Farms has become a total commercial operation with many employees, and with residential apartments. She has sympathy for the neighboring property owners, since the site has become so busy that it is creating safety and traffic problems. Mrs. Cobb does not believe the Board of Supervisors has clearly defined what a barn is and what barn preservation is, nor does she believe that they recognize the value and impact of a historical barn. She stated that many municipalities have created historical committees before which any proposals for preservation of or varied use proposals for barns must apply for review. Mrs. Cobb was very distressed and disappointed that the Supervisors are not attempting to preserve historic barns. She is vehemently opposed to this Ordinance.

2. Ms. Joan Seidel was pleased with the proposed Barn Ordinance, stating that she agrees that the focus should not be on historic preservation as much as it should be about saving a barn from collapse or demolition. Ms. Seidel commended the Board on the good job they were doing.

Supervisor Salvadore commented that there are two issues at hand – considering historic buildings that exist in the Township, and considering different uses for existing barns. She strongly believes in preserving historic barns, however she also believes that property owners have the right to use those existing barns for things other than agricultural use if they so desire. There has been much discussion about preservation, however Supervisor Manfredi stated that the proposed Ordinance was drafted to find

ways to "save" barns from being demolished, not necessarily to preserve a barn as a historical site.

Mrs. Cobb believes that people should be required to go to the Zoning Hearing Board so that the neighboring property owners are made aware of what is being planned for the barn. Supervisor Manfredi explained that the Board today designed specific uses that would be permitted by right, and those uses noted in Section C – Additional Use Opportunities, list those uses that are permitted. This Board then specifically agreed that every other use would have to be approved by Conditional Use approved by the Board of Supervisors, which would mean there would be a Public Hearing held where residents would have the opportunity to comment. Mrs. Cobb noted that neighboring residents within 500 ft. of the site would not be notified of a Conditional Use Hearing as they would for a Zoning Hearing. Supervisor Manfredi replied that the Board could authorize notification of neighboring residents for a Conditional Use Hearing, as is done for a Zoning Hearing. Discussion took place.

For clarification purposes, Supervisor Salvatore advised Mrs. Cobb that the word "barn" is currently defined in the Ordinance, as "A detached structure of significant size whose pre -or current use primarily involves storage of product or a use related to agriculture." She reminded Mrs. Cobb that the Ordinance amendments being reviewed at the current time are merely draft documents that still have to go back before the Hilltown Planning Commission, the Bucks County Planning Commission, and before the general public at Public Hearings. Therefore, she noted that there will be many, many more opportunities for public comment on these draft Ordinance amendments.

3. Mr. Joe Marino of Redwing Road feels what the Board has accomplished today is a great stride to save barns. He currently owns a barn, and would welcome the opportunity to use it for some other type of business or trade that might provide an income for maintenance, which is very expensive. Supervisor Salvatore also owns a barn, and has invested \$100,000.00 to maintain it, even though she only uses it for her horses. She commented that the Township couldn't force residents to maintain or care for their barns, which can be very expensive.

7. Zoning Ordinance Definitions of Words, Terms, and Phrases – The Board agreed to table this discussion for a future meeting.

8. Zoning Ordinance Amendments/Revisions – The Board agreed to table this discussion for a future meeting.

The Farmstead and Trades Ordinance Amendments will also be on a future agenda for discussion.

C. OTHER ORDINANCES –

1. Snow and Ice Removal – Supervisor Manfredi once again explained that the reason this issue is on the agenda is because of a request made by Silverdale Borough officials to the previous Board of Supervisors to consider an Ordinance requiring property owners to remove snow and ice from their sidewalks along the route to Penn Central Middle School. It is Supervisor Manfredi's concern that a child who is required to walk to school because the Pennridge School District will not provide bus service, can do so safely during the winter months when there is a snow event. While he understands the implications involved and the concerns expressed by the Public Works Director, he feels the Township should find a way to accomplish it if the Board so desires.

In the past, Chairman McIlhinney stated that there were several subdivisions where the developer was required, at the recommendation of the Planning Commission, to install sidewalks along the frontage of 3 and 5-acre lots. If a Snow and Ice Removal Ordinance were to be adopted, he noted that those property owners would be required to shovel up to 500 ft. of sidewalks. Supervisor Salvadore suggested that an Ordinance be considered that would require only those property owners within a certain distance of a school to clear their sidewalks during the winter months. Supervisor Manfredi agreed. Chairman McIlhinney reminded the Board that there are some students who must walk up to ¼ of a mile along a roadway with no sidewalk in order to reach their bus stop. That being the case, Supervisor Manfredi stated that it should be determined what roads take priority for plowing by the Public Works Department, and whether or not those priority roads are tied to the Pennridge School District bus routes. Discussion took place.

Motion was made by Supervisor Manfredi and seconded by Supervisor Salvadore to authorize the drafting of an Ordinance that would require the mandatory clearing of existing public sidewalks within a certain established area of Hilltown Township where children are required to walk to school.

Public Comment:

1. Mr. Harry Mason of Morgan Lane stated that some sidewalks in Hilltown Township are part of existing walking trails. Chairman McIlhinney explained that walking trails are not required by any State law to be cleared of snow.

Motion passed.

D. SUPERVISOR'S COMMENTS:

1. Supervisor Salvadore wondered why the Sign Ordinance is listed as an agenda item. Supervisor Manfredi recalls that the Board had previously suggested that a

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comprehensive Sign Ordinance be considered to address various types of signs, such as development notification signs, truck signs, etc.

Mr. Bennington asked at which meeting the Board would like to continue the review of the remaining agenda items that were not addressed today. With the way the Worksession meetings have been restructured, Supervisor Manfredi believes there would be sufficient time to review the remaining Ordinances at one of those meetings.

With respect to the Zoning Ordinance Definitions of Words, Terms and Phrases, which will require time consuming review, Supervisor Manfredi suggested that each Supervisor individually review it and note those items they feel should be changed, rather than reviewing it line by line. It was Chairperson McIlhinney's personal opinion that the Board should restructure the original Zoning Ordinance.

D. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Manfredi, and carried unanimously, the Board of Supervisors adjourned the special meeting of July 22, 2006 at 12:07PM in order to enter into Executive Session to discuss personnel issues.

Respectfully submitted,

Lynda Seimes
Township Secretary

(*These minutes were transcribed from tape recordings taken by Mr. Ken Bennington, Township Manager, and are not considered official until adopted by the Board at a public meeting).