

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 27, 2011**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:00PM and opened with the Pledge of Allegiance.

Also present: Barbara A. Salvadore, Vice-Chairperson
James C. Groff, Supervisor
William E. Wert, Asst. Manager/Dir. of Parks, Recreation and Open Space
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board met in Executive Session for informational purposes following the June 13, 2011 Supervisor's Meeting.

2. Two Public Hearings have been advertised to take place at 7:30PM this evening to consider the following Ordinance amendments:

- An Ordinance amending Chapter 160 of the Zoning Ordinance by changing the Zoning classification of TMP #15-34-24 from RR (Rural Residential) to VC (Village Center); and
- An Ordinance amending Chapter 160 of the Zoning Ordinance to provide for the amendment of regulations for wind energy conservation systems and solar energy systems; and to amend the Table of Uses to permit said uses.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of June 13, 2011 Board of Supervisors Meeting.
- Bills List dated June 28, 2011.
- Carson Helicopter Land Development Mylars for Signature.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to approve and accept the Consent Calendar as noted above. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Clayton Boney – Request approval to construct fence in 20 ft. wide stormwater easement – Mr. Boney was not present at this time.

E. LEGAL- Mr. Francis X. Grabowski, Township Solicitor --

1. Liberty Towers LLC Stormwater Management Financial Security Agreement – Motion was made by Supervisor Salvadore and seconded by Supervisor Groff to approve and accept the Liberty Towers LLC Stormwater Management Financial Security Agreement. Chairperson McIlhinney was opposed. Motion carried: 2:1. There was no public comment.

F. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Traynor Subdivision – 12 month extension request – Motion was made by Supervisor Salvadore, and seconded by Supervisor Groff to grant a 12 month extension for completion of improvements to the Traynor Subdivision. Prior to a vote, discussion took place.

Motion carried unanimously. There was no public comment.

2. Johnson Subdivision – Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to authorize the Township Solicitor to take the appropriate action against the Bond for the Johnson Subdivision if an extension is not granted by July 26, 2011. There was no public comment.

G. UNFINISHED BUSINESS:

1. Discussion of draft Conservation Management Design Zoning Ordinance Amendment – The draft amendment is to permit Use B1A Conservation Management Design (CMD) by-right within the Country Residential-2 Zoning District. In considering the addition of CMD to the CR-2 Zoning District, Mr. Wynn also proposed a modification to requirements for a CMD in the RR Zoning District, as well as revisions to open space requirements. Mr. Wynn's memo dated June 20, 2011 was discussed.

Supervisor Salvadore had the following comments/questions:

- Asked for clarification of Item 3 of the June 20, 2011 letter, which states “Article III, IV, and V are revised to add reference to the Conservation Management Design use within those applicable sections of the Zoning Ordinance. Additional language is added to clarify “**Rounding**” of allowable dwelling units.”

In the Site Capacity Calculations, Mr. Wynn explained that if the maximum number of allowable units is determined to include a fraction, the number would be rounded up to the nearest whole if it is ½ a unit or more, and if it is less than a ½ unit, the number is rounded down to the nearest whole number.

Supervisor Groff was very pleased with Mr. Wynn's proposed Ordinance amendment.

Chairperson McIlhinney had the following comments/questions:

- Page 4 – Section 160-26 – Table of Performance Standards – Bulk and Area – Note 10, which states “Each lot must be served with public water provided by a municipal authority” for CMD’s with 20,000 sq. ft. lots

Discussion took place. Mr. Wynn acknowledged that Note #10 should be removed because it is no longer applicable in the chart. It should be changed to Note #3, which states “Each lot must be served by public water and sewer provided by a municipal authority.” Mr. Wynn explained that Note #3 would apply because the development must be served by public water and sewer. He further commented that Note #2 should be removed as well.

- Chairman McIlhinney asked how a CMD in the RR Zoning District is enhanced by placing homes on 20,000 sq. ft. lots.

Mr. Wynn replied that this requirement exists in the current Ordinance, and he feels that it specifically lends itself to a property with sensitive environmental features that may be difficult to develop, while allowing the individual lot area to be reduced and preserving open space – whether it be privately or publicly held. Since approximately 75% of the Township is located in RR with most of that area not served by public water and sewer, Chairman McIlhinney wondered if it would be counter-productive to have a CMD.

- Chairman McIlhinney asked the meaning of “**General Open Space**” on Article VIII, Section 160-56, General Open Space and Municipal Land.

Mr. Wynn explained that the word “General” was not something he added, that the header in the current Ordinance uses that language. The “Open Space” referred to is by definition in the Zoning Ordinance, not for any open space land that is owned by the Township, or is privately owned, easements or fee simple land. Following a brief discussion, it was agreed that the word “**General**” would be removed from that paragraph.

- In Article IX, Item A, Chairman McIlhinney suggested that the words “**scenic vistas**” be removed.

Mr. Wynn noted that perhaps language such as “**natural resources defined in the Ordinance**” should be added in its place. Supervisors Groff and Salvadore were agreeable.

- Page 6, Item A(5) requires that a natural greenway buffer of at least 150 ft. deep be provided if the site is adjacent to public parkland or wildlife sanctuaries. Chairman McIlhinney felt it was unfair for the Township to penalize a property owner just because the site might be located adjacent to public parkland.

Mr. Wynn again advised that this is the language in the current Ordinance, and it would be a policy decision of the Board to remove or revise that language.

- Page 7, Item B(4) states “The corporation or association shall not be dissolved nor shall it dispose of the open space, **except to another similar organization established to own and maintain the open space and which meets the approval of the Township.**” Chairman McIlhinney felt the language was nebulous and wondered how “another similar organization” could be determined.

Mr. Wynn commented that the language must be viewed in the context of the rest of the statement, which is “conveyance to a conservancy, corporation, association, etc. and included permanent conservation easement enforced by the Township to guarantee the perpetual use of the land for intended purposes.” While Chairman McIlhinney understands that it must be taken in context, however he believes the language should be much more definitive, and suggested the word “**similar**” be removed.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to direct Mr. Wynn to make the above noted corrections, and to forward the revised draft Ordinance to both the Hilltown and the Bucks County Planning Commissions for consideration. There was no public comment.

H. PUBLIC HEARING: Chairman McIlhinney recessed the regularly scheduled meeting of the Hilltown Township Board of Supervisors at 7:30PM in order to enter into the advertised Public Hearings to consider the adoption of two Ordinance amendments

Public Hearing #1: Amending Chapter 160 of the Code of Hilltown by changing the zoning classification of TMP #15-034-024 owned by Our Lady of Sacred Heart/Archdiocese of Philadelphia from RR-Rural Residential to VC-Village Center.

Solicitor Grabowski advised that the proposed Ordinance was properly advertised in the Doylestown Intelligencer on June 10 and 17, 2011.

Mr. Robert Showalter, the applicant’s engineer, was in attendance representing Our Lady of Sacred Heart Church.

Public Comment: None.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Ordinance #2011-8, amending Chapter 160 of the Code of Hilltown Township by changing the Zoning classification of Parcel #15-034-024 from RR-Rural Residential to VC-Village Center.** There was no public comment.

Public Hearing #2: Amending Chapter 160 of the Code of Ordinances of Hilltown to provide for the amendment of regulations for wind energy conversion systems and to include regulations for solar energy systems; and to amend the Table of Uses to permit said uses.

Solicitor Grabowski advised that the Ordinance was properly advertised in the Doylestown Intelligencer on June 10 and 17, 2011.

Chairman McIlhinney had questions and expressed concern about the following:

- Article 1, Section 12 (c), which states "No wind system shall be permitted in any open space area that has been set aside, either as part of a development or preserved through a County, State, Federal or Conservancy preservation program. Open Space area preserved through Hilltown Township shall be exempt from this provision."

Chairman McIlhinney wondered why the Township would be exempt, while residents who have preserved their property, either thru State, County or local government, would be unable to participate in wind energy systems if they so choose. Supervisors Groff and Salvadore were comfortable with the language as it stands.

- Citing Article 1, Section (f), which clearly states the maximum height of any wind system Chairman McIlhinney noted that it does not, however, address the minimum blade height permitted, and he is concerned about the safety issue. He feels that a minimum height that the blade can come to grade should be established.

Discussion took place. Supervisor Salvadore suggested the industry standard be reviewed to see if a minimum height to grade is even necessary.

- Page 4, Article 2, Section b.2(a) states "Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.

Chairman McIlhinney asked who determined what the "preferred installation" is. Mr. Wynn explained that the roof mounted panels are not normally flush, rather they are a few inches off the roof surface and at the same angle as the roof, which most often is considered preferred since it blends into the roof.

- Page 4, Article 2, Section 2(b) states "Integrated or separate flush-mounted solar panels shall be located on a rear or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The

removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation.”

Chairman McIlhinney questioned this requirement, particularly a flush-mounted installation on a dwelling facing the south. Mr. Wynn noted that this requirement can be waived if the applicant applies for a Conditional Use Hearing. He further advised that many municipalities have this same limitation since there are those who find solar panels objectionable when viewed from the street. Discussion occurred.

- Page 5, Article 2, Section 2 (b), which continues to state “Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a **professional deemed qualified by Hilltown Township** and reviewed by the Hilltown Township Engineer and any other Township professional that the Board of Supervisors deems necessary.” Chairman McIlhinney wondered how a “professional” would be deemed qualified, and who that “professional” might be.

Mr. Wynn believes the “professional deemed qualified” refers to the solar panel consultant who would provide information regarding a viable location for ground-mount or roof-mount panels.

- Chairman McIlhinney questioned the requirement on Page 6, Article 2, Section d(4) providing for a notation to be placed on the plan stating that there are restrictions on the approved plan pursuant to a recorded deed of easement concerning placement of structures and vegetation as they relate to solar systems.

Mr. Wynn explained that this requirement refers to ground-mount solar panels, where a solar energy subdivision is planned. If those ground-mount solar energy panels are to be located in rear yards for example, an easement would then be placed on the neighboring property to limit the planting of certain kinds of large trees or constructing certain large buildings that would interfere with the effectiveness of the solar panels.

There were no further Supervisor’s comments, and there was no public comment.

Motion was made by Supervisor Salvadore and seconded by Supervisor Groff to **adopt Ordinance #2011-9, amending Chapter 160 of the Code of Ordinances of Hilltown Township to provide for the amendment of regulations for wind energy conversion systems and to include regulations for solar energy systems; and to amend the Table of Uses to permit said uses as related to said uses.** Chairman McIlhinney was opposed. Motion carried: 2:1. There was no public comment.

***7:59PM – Chairman McIlhinney adjourned the advertised Public Hearing and reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of June 27, 2011.**

I. ZONING HEARING BOARD ADVISORIES:

1. Gloria Hewitt – 20 Tiffany Drive – Applicant requests variance to allow placement of a two-story residential accessory structure 10 ft. from side lot line (instead of 25 ft.); and relocating an existing shed 8 ft. from property line, rather than the required 12 ft. Discussion took place.

J. SUPERVISOR’S COMMENTS: None.

K. PUBLIC COMMENT:

1. Mrs. Jackie Walker, who owns and operates Stone Ridge Farm Bed and Breakfast at 956 Bypass Road complained about the noise levels from an event held last weekend at the neighboring Pearl S. Buck property, noting that the organization has not been abiding by the requirements of the recent Zoning Hearing Board decision. At the time, a Hilltown Police Officer responded to Mrs. Walker’s noise complaint but did not have the Township’s decibel meter with him. Chairman McIlhinney also visited Mrs. Walker’s property that evening to hear the noise levels for himself. Mrs. Walker felt that Pearl Buck should take responsibility for insuring that the approved 60 decibel sound level is adhered to.

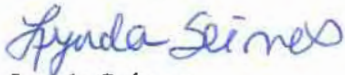
Chairman McIlhinney concurred that the noise was certainly above the acceptable level (60 decibels), and that he could actually hear it from his home, which is approximately 3/4 miles from the Pearl Buck property. It was noted that a calibrator is required for the decibel meter, which Chairman McIlhinney believes should be authorized for approval to purchase.

2. After 3 long years, Mr. Wally Rosenthal of Rosie Lane advised that DEP has finally approved his sewer extension request from the Hatfield Township Authority to service the former Hilltown Pub along Rt. 309. Unfortunately, for the time being Hatfield Authority is only permitting his use of 11 EDU’s (7 for the bar itself, and 4 for the interim structures in between). Mr. Rosenthal asked how he can be issued the entire 25 EDU’s as requested. He noted that there has been some interest expressed from representatives of a bowling alley and a restaurant who may wish to open for business in that area. Mr. Wynn explained that an applicant is required to show projections for a specific use in order to obtain EDU’s prior to DEP issuance. Mr. Wynn suggested that Mr. Rosenthal make his request of the Hatfield Authority once a specific use has been determined to hasten the release of the additional EDU’s.

L. PRESS CONFERENCE: There were no questions asked by the reporters present.

M. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously the June 27, 2011 Hilltown Township Board of Supervisors meeting was adjourned at 8:16PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*Note: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).