

**MINUTES OF THE PLANNING COMMISSION
UPPER POTTSBRO TOWNSHIP**

November 10, 2008

The regular meeting of the Upper Pottsgrove Planning Commission was held on Monday, November 10, 2008, at the Upper Pottsgrove Administrative Office, 1409 Farmington Avenue, with Elwood Taylor, Herb Miller, John Ungerman, John Bealer and Donald Nice present. Also present were Township Manager Jack Layne, Township Engineer John Theisen and Recording Secretary Michelle Reddick. The meeting was called to order by Chairman Taylor at 6:02 p.m. There were 9 people in the audience.

APPROVAL OF MINUTES – A motion by Ungerman, seconded by Nice, to approve the minutes of August 11, 2008, as written. All aye votes.

ZHB #1-08 TIMOTHY & TERRI BEIDLER – The applicants have requested variance relief from Zoning Code Sections 350-71 and 350-73A in order to erect an addition to their existing home. The variance would reduce the side yard requirement from 25 feet to 18 feet and allow the applicant to continue using the existing on-site septic system, rather than having access to a public system. Mr. and Mrs. Beidler were present to discuss their application. Mrs. Beidler explained that they will be removing a small bathroom and replacing it with two bedrooms. She also noted that they do not currently have public sewer but that public sewer will be coming to the area in the near future. Mr. Beidler noted that his neighbor has no problem with their proposal. Mr. Miller explained that he met with Mrs. Beidler and walked the property and the setback issue is minor. Mr. Ungerman advised that he sees no problem with the proposal since the area is pretty rural. He also noted he is glad to hear that public sewer is coming to this area. A motion by Miller, seconded by Ungerman, to recommend to the Zoning Hearing Board that they have no objection to the application. All aye votes.

#7-08 LEVENGOOD SUBDIVISION – Robert Levengood, property owner, and Douglas Kramer were present to discuss the revised plans dated October 2, 2008. Mr. Kramer explained their proposal for stormwater management includes utilizing rain gardens composed of soils that would sustain plant life. The rain garden would have soils at the bottom that would sustain plant life and water would be diverted in from driveway and roof drains. He further explained a low berm will hold the water. He noted, however, the rain gardens may not be located where they are currently shown. In response to a question from Mr. Miller, Mr. Kramer explained that flow dissipaters are stone and gravel placed in the ground and when water comes down, it hits the “t” pipe and then spreads out. Mr. Theisen advised it is done that way so the water does not come out at one point and cause erosion. Mr. Theisen recommends the berm for the rain garden be built higher. In response to a question from Mr. Miller, Mr. Kramer advised the driveway will eventually be paved. Mr. Kramer questioned the requirement for an operation and maintenance agreement as referenced in John Theisen’s review letter. The Planning Commission agreed to consult with the Township Solicitor concerning this requirement. Mr. Kramer noted that he would like to have some latitude as to the location of the rain gardens. Mr. Theisen advised this would be okay so long as the volumes do not change and as-built plans would be required. A motion by Nice, seconded by Miller, to recommend to the Board of Commissioners approval of the waivers as outlined in the letter dated November 10, 2008 with additional waivers from

#7-08 LEVENGOOD SUBDIVISION (cont'd.) - Section 302.B and Section 709. All aye votes. A motion by Ungerman, seconded by Nice, to recommend to the Board of Commissioners preliminary/final approval of plans dated October 2, 2008, subject to satisfactory completion of all the outstanding issues in the letter dated October 10, 2008 from LTL Consultants and the letter dated November 7, 2008 from the Montgomery County Planning Commission. All aye votes.

#8-08 BARNETTE/KEER/ORZOLEK SUBDIVISION – The applicants were present to discuss their revised plans dated September 28, 2008. In response to a question from Mr. Taylor, Mr. Theisen advised that there are no additional items for discussion on this proposed subdivision. A motion by Ungerman, seconded by Nice, to recommend to the Board of Commissioners approval of waivers as outlined in the letter dated September 23, 2008 from the applicants. Michelle explained that the Planning Commission needs to authorize Mr. Taylor to execute the planning waiver and non-building declaration. Mr. Theisen explained the non-building waiver says the applicant does not have to go through the sewage planning module process since there is no building taking place. A motion by Bealer, seconded by Miller, to authorize Mr. Taylor to execute the planning waiver and non-building declaration. All aye votes. A motion by Ungerman, seconded by Nice, to recommend to the Board of Commissioners preliminary/final plan approval of plans dated September 28, 2008, subject to satisfactory completion of all outstanding issues outlined in the letter dated October 8, 2008 from LTL Consultants and the letter dated November 7, 2008 from the Montgomery County Planning Commission with the addition of a note being added to the plan to prohibit further subdivision. All aye votes.

In response to a question from Mr. Ungerman, Mr. Taylor advised it is not necessary for him to complete the survey from the Montgomery County Land's Trust. Mr. Ungerman noted there are areas in Lower Pottsgrove being rezoned to SR4 and this includes his business and questioned whether this is being reviewed by the Regional Planning Commission. Mr. Narcowich noted the matter would be reviewed by the Regional Planning Commission.

Diana Updegrave, 1404 Farmington Avenue, expressed concern that the Planning Commission did not restrict further subdivision of the Levengood property. She also suggested the Township consider requiring a copy of the deed to be submitted with any plan submission.

It was noted that Mr. Levengood will own the driveway and the smaller property will have an access easement.

Donald Young, 46 Harding Street, advised that he lives on Harding Street which is considered a private road owned by all property owners along that street and questioned whether a developer who has purchased all the land around him could close off the private road prohibit access to his property. Mr. Taylor advised that this would be a legal question, and the Planning Commission could not answer his question.

ADJOURNMENT – A motion by Miller, seconded by Bealer, to adjourn the meeting at 7:20 p.m. All aye votes.

Respectfully submitted,

Michelle L. Reddick
Recording Secretary