

Upper Makefield *Township*

Environmental Advisory Council Meeting

November 9, 2021 Meeting Minutes

The November 9, 2021 public meeting of the Upper Makefield Township Environmental Advisory Council was called to order by Chair Bud Baldwin at 7:00 p.m. In attendance were the following members of the Environmental Advisory Council: Chair Bud Baldwin, Vice Chair Keith Miller, Member Harry Barfoot, Member Kathryn Benson, Member Nicole Khan, and Member Cathy Magliocchetti. Also, in attendance were Residents Eric McHale and James Gill of 1312 River Road and Assistant Zoning Officer Denise Burmester.

Confirmation of Quorum: Quorum was confirmed by Mr. Baldwin.

Public Comment: None

Approval of Meeting Minutes:

- A. **October 12, 2021:** Mr. Barfoot made a motion to approve the meeting minutes. Ms. Benson made a second motion which was met with a unanimous vote.

Discussion Items:

A. **McHale/Gill – Jericho Creek – 1312 River Road – Riparian Grant:**

Mr. McHale gave an overview of their current state of the Jericho Creek riparian area located on their property, and changes since their application for a Riparian Grant of 2011, that includes the loss of additional riparian frontage to the creek. With hurricane Ida they had the loss of large trees along the creek that have fallen into the creek and are now creating a log jam. Ida also eroded additional river bank from their property where their house resides. Reference was made to the 2011 application that was provided to the EAC members and the pictures of the current state. Mr. McHale stated that they had submitted an application in 2011, but the application did not progress at that time. They come to the EAC to ask for a new review of the application and move forward with a Riparian Grant application.

EAC Discussion and Questions included the following:

- The 2011 grant application included reference to the stormwater culvert for the Bridlewood Farms Subdivision. EAC members did clarify that the Bridlewood Farms HOA was approached in 2011 but that no progress had been made. Mr. McHale confirmed that the culvert had degraded further and that several pieces have been disconnected and lay in the creek bed or have been washed out to the Delaware River at the end of their property. EAC members noted that HOA legal obligations needed to be better understood.
- EAC members asked for clarification of property ownership along both banks of the creek, asking if a neighbor needed to get involved for any access needs. Mr. McHale noted that they owned both sides of the creek bed but that their neighbor may need to engage for access to the creek.
- Budget constraints were discussed, and if there were any projects still pending or in progress that would draw on those funds. Members clarified that all riparian projects and submissions were stopped when Land Studies was engaged, there are no outstanding projects at this time.
- EAC members noted that there may be new practices or techniques that can be employed and should be explored with a new application for a new riparian grant application. Mr. McHale agreed that they are willing to provide a new grant application with an updated plan. EAC members also requested that the application provide historical reference to the creek, showing how it has moved over the years due to erosion.
- LandStudies recommendations were discussed, as these recommendations were upstream focused. The EAC recognized that the upstream projects have not progressed due to lack of participation by upstream residents. While they will review the LandStudies recommendations they also recognize that the situation at 1312 River Road needs to be considered.
- There was agreement to move forward with the application process with an EAC site visit scheduled as follows:
 - Date: Saturday, December 4, 2021
 - Time: 10:00 am
 - Location: Meet at the Township Building and then go to site.
 EAC requested that Township Staff send Mr. McHale and Mr. Gill a Riparian Grant application and process.

Mr. Barfoot made the motion to recommend the Township Solicitor engage in the review of the Bridlewood Farms HOA obligations for stormwater maintenance and the maintenance of the culvert to the creek, looking at the Stormwater Operations and Maintenance Agreement as well as the Developers agreement and recommending the enforcement of the agreements and the repair of the culvert. Mr. Baldwin seconded this motion. It was met with a unanimous vote.

B. Holly Pond Farm - Walk About November:

The EAC walked the property at Holly Pond Farm, 43 Vansant Road on November 6th at 10:00 am. In attendance were Mr. Kretschman, the property owner, Mr. Baldwin EAC Chair, Ms. Magliocchetti EAC Member, Kathryn Benson EAC Member, Harry Barfoot EAC Member and Denise Burmester Assistant Zoning Officer.

Mr. Baldwin stated that this was a meeting with no discussion, but noted there was some conversation between the members noting the changes to the paddock configuration, condition of the pastures and pond.

A member read the following direction to the EAC as a reminder to what they were to observe on the property:

(e) Appellant shall create a fifty (50) foot no-mow, no disturbance, zone from the pond and stream on the Property, and shall reforest the fifty (50) foot no-mow area with the help of trees from the Township tree bank. Within thirty (30) days following the Court's issuance of an Order approving this Stipulation of Settlement, Appellant shall invite the Township Environmental Advisory Council to walk the Property to offer suggestions on effective erosion and sediment control measures. Intervenors shall also be permitted to walk the Property with the Township Environmental Advisory Council for observation purposes.

EAC Members note their observations. Discussion included the following:

- The fencing had been reconfigured, fencing the stream from the pond that ran across a pasture previously. Horses can no longer have direct access to the stream, but the setback from the stream is not sufficient for the 50-foot setback and no mow zone. EAC would estimate that fence setback from the stream is varied but most likely will be 30 feet at its widest point.
- The pasture closest to the pond and creek is still dirt, with very little vegetation or grass indicating that they are overgrazing the pasture. EAC discussed that the slopes make grass growth difficult but noted there are techniques that can be used to seed the pastures on the slopes.
- Members have water quality concerns, noting that there is surface tension in the water that is causing it to bubble.
- Owner stated that there are currently 31 horses housed on the property.
- There is currently no separation of water runoff from the manure dumpsters to the groundwater that feeds the pond and creek.

- The original creek bed had been redirected due to stormwater measures taken with underground piping and trenching. Rain gutters were not properly conveyed with the proper exit velocity considered.

These observations lead to the following recommendations, which the EAC noted that if implemented must have a maintenance agreement that is monitored:

1. Number of horses on the property should be reduced in accordance with JMZO ordinance.
2. To ensure the proper care of the horses, provision of an onsite presence everyday, 24 hours a day.
3. Manure Dumpsters should be placed in secondary containers that collect rainwater runoff that is segregated from groundwater.
4. 50 foot setback and no mow buffer zone needs to be established around the pond, stream and creek.
5. Water sampling and analysis to determine sources of water tension and quality contaminants.
6. Plan for rain gutters that properly convey the rain water runoff to the creek.
7. PA native tree varieties to be planted behind the creek on the hill in the back pasture.
8. Sloped pastures that have been overgrazed to be replanted using techniques designed for sloped pastures.
9. Further measures should be taken for fly management.
10. A review of the EAC observations and recommendations in terms of the agreement between the Township and the property owner and Ordinances. This review should include a legal description of a 50 foot buffer zone.

Ms. Magliocchetti made a motion to review JMZO and Township Ordinances to ensure that farms in the community are being properly regulated, to include nutrient management. Mr. Baldwin seconded this motion. It was met with a unanimous vote.

Liaison Reports:

No Liaison Report.

Adjournment:

A motion was made by Mr. Miller and seconded by Ms. Benson to adjourn the meeting at 8:25pm. It was met with a unanimous vote.

Approved: _____