



July 20, 2011

Chair and Members
Township of Middletown
Planning Commission
3 Municipal Way
Langhorne, PA 19047

Re; Access Woods residential development No. 22-59-33

Dear Planning Board Chair and Members,

Delaware Riverkeeper Network (DRN) is concerned about impacts to woodlands, wetlands and waterways that are in the subwatershed where the Access Woods (also known as Whispering Woods) residential development is located. We are contacting you to request further information about conservation and stormwater easements and limits of disturbance that were required by approvals granted by the Township for the development.

Having reviewed Dumack Engineering's Final Grading Plan and the Final Plan "For Recording" for # 22-59-33, we note that a limit of disturbance is clearly drawn on the plans related to a stormwater easement, wetlands ("waters of the United States") and a setback from adjoining properties on the Grading Plan. There is a note on the final plan that states that a Homeowners Association will maintain the stormwater basin and easement. There is also a statement on the Final Plan that and a variance was granted that "...will result in a 39% disturbance" of woodlands.

Also reviewed by DRN are copies of deeds between CGR Properties and various residential property owners. On several of these deeds the stormwater easement is listed but not on all deeds. Also reviewed by DRN is a copy of a transcript of a Middletown Township Zoning Hearing Board Hearing (In RE: Appeal # 04-09, 2.24.04, Strehlow and Associates). On page 11, a 17 foot "buffer of "woods" behind the residential lots in the subdivision is testified to by Mr. Dumack with additional woodlands that will remain in place beyond that buffer. On page 12, Mr. Dumack goes on to testify that a "woodland conservation easement" has already been agreed to by the developer with the Township to protect the "environmentally sensitive woodlands" behind the proposed houses. It is stated by Mr. Dumack that "...What we attempted to do is actually cove the homes into the lots to minimize our woodland disturbance further. So the intent was not to clear everything. It was to disturb a minimum. Working with

Delaware Riverkeeper Network
300 Pond Street, Second Floor
Bristol, PA 19007

tel: (215) 369-1188

fax: (215) 369-1181

drkn@delawariverkeeper.org

www.delawariverkeeper.org

Jim Sullivan, the intent for the bulk of this woods will be to put into a woodland conservation easement and protected from future development.” Mr. Marte added that “And we’ve already agreed to that conservation easement for the environmentally sensitive woodlands, which in essence, are behind the proposed houses.” Testimony goes on to confirm that a woodland conservation easement that would guarantee no further tree disturbance was “...required as part of the subdivision process” (page 23). There was further discussion about the dedication of the “open space” to the Township or the Homeowners Association (page 23). On page 39, there is discussion about the wetlands and tree buffer.

DRN has also reviewed photographs of woodlands (dated 8.17.2009) that were presumably to be under a conservation easement and were protected by the “limit of disturbance” on the final grading plan. Trees have obviously been cut and the land has been scrubbed of vegetation. A silt fence is partially buried by disturbed earth in some photos. A deep cut into the woodland is evident with bare earth and grass replacing the woods behind one of the houses under construction.

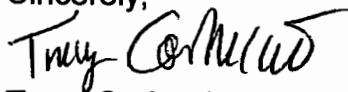
DRN is not aware of the recording of conservation easements on the properties as required by the subdivision plan. The limit of disturbance seems to have been violated and the woodland not protected as required. Has this situation been investigated by the Township? Is the Township assured that there has been no illegal disturbance of protected wetlands and wetland buffers?

We respectfully request the Township provide to the public the evidence of the recording of the conservation easement and limit of disturbance for the woodland, stormwater easement, and wetlands. Please provide any information available that shows that the required buffering of wetlands has been adhered to at this development. We would appreciate reviewing a copy of the recorded conservation easement(s) and any other documents that show the disposition of the easement.

Delaware Riverkeeper Network is a nonprofit member-supported organization dedicated to the protection of the Delaware River, its tributaries and habitats. We are contacting you representing our members in Middletown Township and Bucks County and on behalf of the organization’s interests in environmental protection and restoration in the Delaware River Watershed.

Thank you very much for your consideration.

Sincerely,



Tracy Carluccio
Deputy Director
Delaware Riverkeeper Network

Attachments: 1- 8: photographs dated 8.17.2009

9: Middletown Township Zoning Hearing Board, Appeal # 04-09, CGR
Properties, 2.24.2004, pages 1, 11, 12, 23, 39

Cc: Bucks County Conservation District
PA Department of Environmental Protection