

Revised July 10, 2026
Revised January 14, 2026
Revised December 9, 2025
Revised November 18, 2025
October 9, 2025

Jamie L. Gwynn
Township Manager
New Hanover Township
2943 North Charlotte Street
Gilbertsville, PA 19525

**Re: Waiver Request Letter
2024-02-Laurel Field
Swamp Pike, Colonial Drive, Harvest Lane & Country Lane
New Hanover Township, Montgomery County, PA
Project No.: 200217101**

Dear Jamie:

On behalf of the applicant, Artisan Land Company, please accept this letter as a "waiver request letter" to accompany the Preliminary Subdivision and Land Development Plan application for the above-referenced project. The following is a list waiver requests, and the justification for the granting of these waivers from the New Hanover Township Subdivision and Land Development Ordinance and Stormwater Management Ordinance. This letter supersedes the Waiver Request Letter previously submitted, dated October 9, 2025 and Revised January 16, 2026.

Waiver Requests from Subdivision and Land Development Ordinance

1. Section 22-802.3-

A Waiver from this section was previously requested on December 9, 2025 and was revised in the version dated January 14, 2026.

- a. Requirement: Subdivisions and land developments shall be properly designed in order to prevent the necessity for excessive cut or fill. Subdivisions and land developments shall be laid out to come as close as possible to balancing cut and fill operations on site. A grading plan for the entire site shall be submitted in conformance with §§ 22-305 and 22-307. Plans shall be designed to avoid excessive disturbance of vegetation and movement of earth.
- b. Request: The Applicant requests a waiver to allow excess fill for construction of the project.
- c. Detail: This section does not provide objective criteria by which to evaluate what is determined to be "excessive" cuts and fills, and therefore, it is unenforceable. To the

extent necessary, a modification of Section 22-802.3 is requested to have the proposed cuts and fills as part of the proposed development and to not balance cut and fill operations onsite based upon the physical circumstances of the property's existing topography. The elevation changes of the existing topography range from elevation 350 in the western-central area of the property, moderately sloping to elevation 316 at the southwest corner along Swamp Pike, and moderately sloping to elevation 294 along the eastern property line. In order to create an internal roadway and reasonable buildable single-family home lots, the proposed earth disturbance regrades the existing topography to balance and level the site as much as possible resulting in an approximate net site fill of approximately 19,600 cubic yards, which has been minimized as much as possible.

The street has been laid out to provide safe and efficient traffic flow through the development, having three access points to Colonial Drive, Harvest Lane and Country Lane, which are at existing fixed elevation points and which therefore play a large role in dictating much of the cut and fill. The proposed development minimizes disturbance of existing natural resources, while producing reasonable grades, as required by Township Ordinance. One retaining wall is proposed in an area where grading cannot maintain the required side slopes three (3) horizontal to one (1) vertical while preserving the existing natural resources, as required by Township Ordinance. The development of the Project site has been designed to mimic the existing drainage patterns as much as possible and has also been designed to minimize the amount of grading necessary to construct the required improvements. The contractor will minimize the extent of earth disturbance by limiting the earthwork required to install the proposed improvements during construction. Based upon the foregoing, the applicant is entitled to a modification of Section 22-802.3 of the Township SALDO.

2. Section 22-816.2–

A waiver from this section was previously requested in the original Waiver Request Letter dated December 18, 2024, in the revised Waiver Request Letter dated October 9, 2025, and in the revised Waiver Request Letter dated November 18, 2025.

- a. Requirement: Minimum required cartway width for a new residential street shall be 38 feet with an eight-foot-wide shoulder area designated for on-street parking on both sides.
- b. Request: The Applicant requests to allow the cartway width of Country Lane and Harvest Lane to match the existing cartway widths of 28 feet and 32 feet, respectively, where these roadways are proposed to be extended from the existing roads of the same name at the southern tract boundary; and to allow the cartway width of Colonial Drive to transition from 28 feet where this roadway meets the existing Colonial Drive at the northern tract boundary, to the required width of 38 feet. The Applicant also requests the cartway of Colonial Drive to be 22 feet at the

approaches to the intersections of Country Lane and Harvest Lane. Furthermore, on-street parking is not proposed along these sections of new streets.

- c. Detail: For Country Lane and Harvest Lane, which are proposed to be extended from the southern tract boundary to Colonial Drive, the total length of the extension of each road is approximately 170 feet from the tract boundary to the intersecting curbline of Colonial Drive. Given this short length, continuing the existing cartway width through the extended portion of the street will provide a more seamless transition from the existing neighborhood into the proposed development, and will maintain the same cartway width as the streets in the existing neighborhood. Parking will not be permitted in these two sections of new streets, with "No Parking" signs proposed along both sides of each section.

For the Colonial Drive extension from the northern property line, the cartway width is proposed to be transitioned from the point of connection to the existing street at the northern tract boundary, where the existing cartway width is 28 feet, for approximately 230 feet, to the point where the proposed cartway width is 38 feet. This design will also provide for a more seamless transition to and from the existing neighborhood into the proposed development, and will maintain the same cartway width as the streets in the existing neighborhood. Advanced warning signage ("Road Narrows" sign no. 7) is provided 150 feet on the westbound side in advance of the narrowed section along the Lot 6 frontage. Parking will not be permitted in these sections of the new street, with "No Parking" signs proposed along both sides. Additionally, per Comment No. 22.3 in the Knight Engineering, Inc. review letter, dated February 11, 2025, the plan has been revised to add raised crosswalks as traffic calming measures at the intersections to promote pedestrian safety and avoid cut through traffic.

Furthermore, the cartway of Colonial Drive is proposed to be 22 feet at the approaches to the intersections of Country Lane and Harvest Lane. This feature provides an additional traffic calming measure at the approaches to the intersection, in addition to the raised pedestrian walkways that are also proposed at these locations.

3. Section 22-808.3.A –

A waiver from this section was previously requested in the revised Waiver Request Letter dated November 18, 2025.

- a. Requirement: All grading shall be set back from property lines a minimum of 5 feet.
- b. Request: The Applicant requests a waiver to permit grading closer than the minimum 5-foot setback and within the ultimate right of way of Swamp Pike.

- c. Detail: This grading encroachment will allow for a roadside swale to be constructed along Swamp Pike, and allow the exterior embankment slopes for the three stormwater management basins proposed along Swamp Pike (Basins 1, 2 and 3) to be 4H:1V, instead of 3H:1V. This revision will also allow the interior basin footprints, storage volumes, and tributary drainage areas to these stormwater facilities to remain unchanged as currently designed. The roadside swale is designed for a 100-year conveyance capacity which exceeds the minimum Township requirement of a 10-year conveyance capacity. A 4:1 embankment slope allows for a milder slope along the property frontage.

4. Section 22-809.1–

A Waiver from this section was previously requested on December 9, 2025 and was revised in the version dated January 14, 2026.

- a. Requirement: For all dwelling units and buildings proposed to be provided with basements or any type of structure below grade areas, the groundwater elevation, perched water tables, or seasonally high groundwater elevation (as indicated by the presence of redoximorphic features or other indicators acceptable to the Township Engineer) within the building envelope for the lot(s) where the dwelling units and buildings are proposed to be constructed shall be identified and provided to the Township with the preliminary and final plans. The groundwater elevation, perched water table(s), and seasonally high groundwater elevation shall be determined for each dwelling unit or building by on-site testing completed prior to the preliminary plan submission.
- b. Request: The Applicant requests a partial waiver to not perform the required soil testing on Lots where the basements are set to be within fill (i.e., above existing grade), including Lots 4, 15, 28, 29, 30, 31, 35, 36, 37, and 38.
- c. Detail: The basement elevations of Lots 4, 15, 28, 29, 30, 31, 35, 36, 37, and 38 are proposed within fill and above existing grades, which automatically sets the elevations of the basements of units within these lots to be higher than the minimum of six inches above the perched water table, groundwater elevation or seasonally high groundwater elevation required in Section 22-809.3.

Waiver Requests from Stormwater Management Ordinance

5. Section 23-302.2.B.19–

A waiver from this section was previously requested in the revised Waiver Request Letters dated October 9, 2025 and November 18, 2025.

- a. Requirement: A minimum twenty-foot-wide easement to and around all stormwater BMPs and conveyances that would provide ingress to and egress from a public right-

of-way is required. The area that the BMPs and conveyances occupy should also be contained within the easement.

- b. Request: The Applicant requests a “blanket” easement over the stormwater management and conveyance facilities that are in the proposed Common Areas.
- c. Detail: All stormwater management facilities, including four Managed Release Concept basins and seven bioretention basins, are located in proposed Common Areas, which generally covers the area between the rear yard of the proposed residential units and the outer tract boundary. Many of these stormwater management facilities are in close proximity to each other. This arrangement warrants a “blanket” type of easement arrangement, since applying the 20-foot-wide easement to and around all stormwater management facilities would result in a combined drainage easement that is essentially the full extent of the Common Areas. Furthermore, a blanket easement would provide the party responsible for maintenance with greater ease of access to and across these stormwater management facilities for maintenance purposes. Separate 20-foot-wide drainage easements are proposed over all stormwater conveyance and access pathways that pass through private residential lots.

6. Section 23-403.6.A–

A waiver from this section was previously requested in the revised Waiver Request Letters dated October 9, 2025 and November 18, 2025.

- a. Requirement: Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Additional measures, such as placement of orange construction fencing around proposed infiltration BMPs during construction to minimize or eliminate traffic overtop of these areas, and temporary sealing off of pipes and inlet connections to infiltration BMPs to prevent sediment clogging should be given consideration.
- b. Request: The Applicant requests to utilize Infiltration Basin 1 as Sediment Basin 1 in the during-construction phase, with the surface elevation of the Sediment Basin being the same as the final surface elevation of Infiltration Basin 1.
- c. Detail: As noted in Zoning Comment No. 2.4 in the Knight Engineering, Inc. review letter, dated February 11, 2025, this waiver request shall identify (1) the methods utilized during construction to maintain the infiltration rates; (2) noting infiltration will be retested during conversion of sediment trap to permanent confirmation (3); an amended soil layer will be provided during conversion to enhance infiltration capacity; and (4) any other construction measures. The below measures are proposed in response to the above concerns:

- (1) A temporary construction fence is proposed around Sediment Basin 1 during construction as a means to prevent vehicles from entering the basin and potentially compacting the soil. This is specified on Drawing No. CE101 and CE201, with a detail for the temporary construction fence provided on Drawing No. CE507.
- (2) Post-Construction Infiltration Testing is proposed in Infiltration Basin 1 as a part of the conversion of Sediment Basin 1 to Infiltration Basin 1. This is specified on both the Infiltration Basin 1 Cross Section detail note No. 4, as well as in the Sequence of Construction Step 46.1 on Drawing No. CG501, which describes the sequence of converting Sediment Basin 1 to Infiltration Basin 1.
- (3) On the Infiltration Basin 1 Cross Section Detail on Drawing No. CG507, it is specified that 18 inches of amended soil will be provided beneath the entire footprint of Basin 1 if post-construction infiltration rates are less than the design infiltration rates.

In addition to the above items, please consider the following related to this waiver request:

- The surface elevation of the bottom of Infiltration Basin 1/Sediment Basin 1 is controlled by the invert elevation of the conveyance entering Basin 1, which is controlled by the proposed street elevations in Colonial Drive. In an effort to minimize the total earthwork fill required for the project, the proposed street elevations have been designed to be as low as possible. Raising the bottom elevation of Infiltration Basin 1 would require raising the invert elevation of the conveyance entering Basin 1, which in turn would require raising the street elevations in Colonial Drive, which in turn would create a greater earthwork fill requirement for the project.

7. Section 23-410.8.C

A waiver from this section was previously requested in the original Waiver Request Letter dated December 18, 2024, in the revised Waiver Request Letter October 9, 2025, and in the revised Waiver Request Letter dated November 18, 2025.

- a. Requirement: Side slopes of facilities utilized for peak rate control shall contain embankment slopes of not steeper than five (5) horizontal to one (1) vertical (or 5:1).
- b. Request: The Applicant requests a waiver to allow the interior embankment side slopes of the proposed stormwater management facilities to be four (4) horizontal to one (1) vertical (or 4:1), and the exterior embankment side slopes of the proposed

stormwater management facilities to be 4:1 along Swamp Pike, and 3:1 for facilities in all other locations.

- c. Detail: The Township Ordinance permits permanent 3:1 slopes outside of stormwater management facilities, including rear yards and open cuts. Therefore, providing a 3:1 slope within a stormwater management facility that is not regularly traversed by residents is of an equal or better condition than what is found acceptable and able to be maintained elsewhere. Access ramps are provided for access to the bottom of the stormwater management facilities.

All exterior stormwater management basin embankment slopes that are 3:1 and 4:1 are proposed to be low maintenance naturalized meadow. This type of cover is to be maintained only once per year in late winter, with a prohibition on lawn mower use, and a recommendation to use a hog mower or string trimmer for maintenance.

All emergency spillways are proposed to be TRM liner which does not require regular maintenance and are designed to convey the 100-year storm.

All stormwater management facilities will be owned and maintained by the Home Owners Association that is established for the community.

8. Section 23-405.1.B(10) –

A Waiver from this section was previously requested on December 9, 2025 and was revised in the version dated January 14, 2026.

- a. Requirement: For all MRC BMPs, at least two feet of separation distance shall be maintained between the groundwater elevation or the seasonal high-water table (SHWT) elevation and the bottom footprint of the MRC.
- b. Request: The Applicant requests a partial waiver to allow one foot minimum separation between the bottom footprint of an MRC basin and the SHWT elevation.
- c. Detail: The results of the most recently conducted soil infiltration testing and test pits generally indicate that the perched water table is higher than encountered in the previous testing. The elevations of the perched water table determine the elevations the stormwater management facilities, which are required to be set at higher elevations than the perched water table elevations. Setting the separation distance between the perched water table elevations and the bottom of the MRC basins at one foot will minimize the need for excess fill, as described in the above waiver request number 6. Furthermore, DEP requirements specify a one foot minimum separation from the SHWT to the MRC bottom, which is maintained in the applicant's proposed design.

9. Section 23-405.1.C(5) –

- a. Requirement: A minimum rate of 0.2 inches per hour shall be utilized for the design of all infiltration facilities.
- b. Request: The Applicant requests a waiver to allow Infiltration Basin 1 to remain as designed with a tested rate of 0.28 inches per hour and a design rate of 0.14 inches per hour.
- c. Detail: The geometric mean was calculated as 0.28 inches per hour for Infiltration Basin 1 based on the testing performed within the footprint of the basin. A further 50% factor of safety was applied to the rate, resulting in a conservative design rate of 0.14 inches per hour. However, the applicant proposes post-construction infiltration testing to be conducted within the basin footprint to verify that infiltration rates of at least 0.28 inches per hour are observed. If infiltration rates at or above 0.28 inches per hour are not achieved, the contractor shall first scarify and/or till the soils to a depth of 18 inches from the surface and re-perform the infiltration tests. If infiltration rates at or above 0.28 inches per hour are still not achieved, the contractor shall excavate and replace the top 18 inches of soil below the surface of the basin floor with amended soils that are suitable to accommodate a minimum 0.28 inches per hour of infiltration, and re-perform the infiltration tests to confirm that 0.28 inches per hour or higher is achieved. This is detailed on the revised drawings.

Due to high limiting zones elsewhere on the site, Basin 1 is the only basin suitable for infiltration and thus is critical in allowing for groundwater recharge on site, in addition to volume control, water quality control, and maintaining runoff rates.

In support of your consideration for Preliminary Land Development approval for the Landis Tract project, we respectfully submit this summary of requested waivers. Thank you in advance for your time and consideration of this application. If you have questions or comments, please do not hesitate to contact me at 215-491-6500 or gelko@langan.com.

Sincerely,

Langan Engineering and Environmental Services



Gregory Elko, P.E., LEED AP
Executive Vice President

Enclosure(s): As noted above

cc: Jacqueline Erixson & Joan Hodges – Artisan
Patrick Stuart – Stuart & Associates
Charles Gerbron, Jr. – MacElree Harvey
Langan Team

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