

Taking the Next Step:

Montgomery Township
Municipal Assessment

Executive Summary

October 2003

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Introduction

The protection and health of a watershed relies a great deal on the land use laws and policies that govern development. In the past, the Stony Brook-Millstone Watershed Association (the Association) had received requests from various municipalities for assistance with drafting ordinances, improving zoning and increasing local environmental quality. The Association wanted to provide a more comprehensive analysis for local municipalities while continuing to respond to these requests. Thus, the Municipal Assessment Project was created to assist municipalities in developing additional proactive measures to ensure that natural resources are preserved and the necessary regulatory structure established.

When beginning the assessment, members of the Montgomery Township Committee, Planning Board, Environmental Commission, the Shade Tree Committee, and the Health Department articulated their general goals and vision for the Township by answering our Framework Questions. After evaluating these responses we reviewed Montgomery Township's land use ordinances, policies, best management practices, and the recently drafted Master Plan using our own 15-page protocol. We also interviewed key personnel about more detailed information to complete the assessment.

The results of the assessment protocol were then compared to the goals and vision of the Township, as articulated by its leaders. Inconsistencies between that vision and what was "on the books" - the local zoning and ordinances- are identified in the following eleven areas:

§ **Improve Traffic Circulation**

Township Goals: To utilize existing roadways, provide all roadways with the minimum improvements necessary, diffuse traffic among a variety of alternate routes, allow for larger residential lots abutting or having direct driveway access to Route 206 and other major roadways so as to lessen the number of new driveway access points, to maintain the rural residential character of the Township, and to protect residents from nuisances associated with the high volumes of traffic." (Traffic Circulation Plan Element, 2002).

Current Protection: Montgomery Township has formed a Traffic Advisory Committee that is currently in the fact-finding phase for the potential rezoning of the intersection at Routes 206 and 518. The Committee has distributed a survey regarding the issue in order to get an idea of what is important to the residents. A Master Plan Committee has also held four public workshops to hear comments from those other than public officials.

Recommendations: Implement ordinances and traffic circulation devices that allow for steady movement within and through the township.

§ **Village Center/Mixed Use Development**

Township Goals: Between the two (2) nodes of concentrated development along Route 206, referred to as the Rocky Hill node and the Belle Mead node, the Development plan should continue to prevent the evolution of strip commercial uses along Route 206.

Current Protection: Planned Residential Developments' are permitted on tracts of land at least one hundred (100) acres in area within portions of the "R-1" Zoning District where indicated on the Zoning Map.

Recommendations: Create an ordinance allowing for mixed-uses in a village center design.

§ **Preservation of Rural Character**

Township Goals: To retain its rural characteristics, including its farming roots and historic nodes.

Current Protection: Wooded lands are also considered part of the rural nature of the Township, as a large tract of woods is located in the northwest portion of the Township. Some of these lands, both agricultural and wooded, are preserved in perpetuity and add to the rural character of Montgomery.

Recommendations: Strengthen ordinance language to enhance rural character and contribute to farmland preservation.

§ **Open Space Preservation**

Township Goals: Montgomery Township has delineated the boundaries of four (4) large generalized areas for additional potential future greenways, which are related to regional land use planning. It was intended that the identification of these areas would emphasize the importance of preserving lands within the areas of these “greenways”.

Current Protection: Open Space Requirements states that in Planned Residential Developments “a minimum of 40% of the tract of land proposed for residential development shall be specifically set aside for conservation, open space, flood plain, recreation and/or other common open space.”

Recommendations: enhance ordinance language to include protection of contiguous open space, not limited to critical areas.

§ **Viewshed Protection**

Township Goals: The vision of the current “Conservation Plan” has been expanded to include forested areas, scenic viewsheds and vistas, recreational resources, and environmentally sensitive lands. Therefore, the previously used “greenbelts” term has been changed to “greenways”.

Current Protection: No principal building shall exceed thirty-five (35) feet in height, except that churches and schools shall not exceed fifty- (50) feet in height.

Recommendations: Adopt a viewshed protection ordinance with specific language to height requirements.

§ **Soil Erosion and Sediment Control**

Township Goals: Lands with a topographic slope fifteen percent or greater have great environmental importance with respect to erosion, sedimentation, water supply, and septic limitations. For these reasons, it is recommended that relatively low densities prevail in areas where slopes are fifteen percent or greater in grade.

Current Protection: The purpose of designating steep slopes as “critical areas” is to prevent soil erosion and storm water runoff resulting from development of such steep slope lands. Development throughout the Township shall occur only on the portion of a lot or tract outside the steep slope area, where feasible.

Recommendations: Adopt a monitoring program to ensure soil erosion management and sediment control.

§ **New Construction Practices**

Township Goals: A connection can and should be made between land use alternatives during new construction, soil conservation, and protection of critical habitats.

Current Protection: Due to the scale of a construction plan map, critical habitat information must be depicted as accurately as possible.

Recommendations: Emphasize the importance of considering alternative construction practices, particularly in critical areas.

§ **Recharge Area and Wellhead Protection**

Township Goals: The overall goal (for water quantity and quality) is to estimate the average lot size needed to provide enough recharge to dilute the nitrates to acceptable standards.

Current Protection: There is no current protection in ordinance language for wellhead or aquifer recharge areas.

Recommendations: Adopt ordinance language that sets minimum standards for wellhead protection and aquifer recharge areas.

§ **Increase Citizen Participation**

Township Goals: Incorporating surveys, newsletter, charettes, and a more open door policy to increase citizen participation.

Current Protection: The Township holds public meetings regarding issues of interest to residents. Residents are encouraged to attend meetings in order to become more educated and to voice opinions on the subject matter. Residents are also encouraged to offer positive input to add constructive criticism.

Recommendations: Create evaluation materials to measure the success of public meetings.

§ **Enforcement of Local Ordinances**

Township Goals: Strengthen language to ensure ordinances would be upheld in court if ever challenged.

Current Protection: The Township's land development ordinance states that a construction official and zoning officer shall administer and enforce provisions of the ordinance. A record of applications, permits (granted or denied), conditions involved, and any other data shall be kept on file as part of the Township public records. Should an owner be in violation of any part of the ordinance, the official in charge shall facilitate a remedial action.

Recommendations: Enforce ordinances through monitoring and education.

§ **Knowledge Base of Municipal Officials**

Township Goals: Create a more cohesive unit of Township officials.

Current Protection: Held a staff meeting to bring everyone up to date on topics in the Township.

Recommendations: Encourage training and site walks for staff and commission members.

This document is an interim step that represents ideas for connecting and implementing the Township's vision for its future. Now that the Assessment is complete, the Association will work with Township officials to make those connections, implement any options the Township identifies and enact ordinances, policies, or best management practices to allow Montgomery Township to move even farther to the forefront of preserving its rural character, planning for its future and protecting the environment.

Acknowledgements

We wish to thank the William Penn Foundation and the Geraldine R. Dodge Foundation for their generosity in funding this project, and the Township Committee, Planning Board, Environmental Commission and Master Plan Committee for their enthusiastic responses to our Framework Questions. We would also like to acknowledge the individual input of Mayor Wilson, Caron Chess, Karen Wintress, Don Jonson, David Henry, and other interviewees for generously giving our staff the time and answers to complete the assessment.

Highlights of Your Town

When beginning this assessment, members of the Montgomery Township Committee, Planning Board, and Environmental Commission articulated their goals and vision for the Township by responding to our survey. We feel it is important to note the proactive measures that have been implemented within the Township and that have created the unique character that is Montgomery Township.

Good Things...

Over the years, Montgomery Township has created progressive ordinances and programs. A few examples of such tools include:

- ⌘ *Septic System Management Ordinance* that regulates the maintenance of on-site subsurface wastewater disposal systems to protect the public against system failures and resultant pollution (Ord. #92-2, S1). This ordinance is one of only eight that exist statewide;
- ⌘ *Non Point Source Pollution Control Ordinance* that requires each subdivision, site plan or variance application to be accompanied by a nonpoint source pollutant loading analysis, which identifies the acreage of existing and proposed urban, residential, agricultural or forested land uses for each drainage area. Protection of existing natural areas is encouraged, as well as minimal impervious cover (Ord.01-1036); and
- ⌘ *Critical Areas Ordinance* that regulates uses within Flood Plains, Stream Corridors, and on Steep Slopes. The ordinance is presented in the form of a Critical Areas Map (that also includes Freshwater Wetlands delineations) as part of the Township's Master Plan (Ord 01-1039).
- ⌘ *Amendments to the Land Development Ordinance* to require the contiguous acreage of non-critical land to include $\frac{3}{4}$ of an acre that forms a circle, such that a reasonable building envelope rests entirely on non-critical lands.
- ⌘ *Stream Corridors Ordinance* that expanded the stream corridor dimensions to better protect water quality and riparian habitat.

Montgomery Township successfully maintains its rural and historic character through ongoing preservation strategies. Utilizing a variety of State and County resources, municipal open space trust and the recommendations of the Landmarks Commission and Open Space Committee, the Township continues to maintain its rural and historic character. To further support Montgomery's open space goals, Montgomery Friends of Open Space incorporated in 2002 and serves as Montgomery's local nonprofit organization. Montgomery's Conservation Plan lays out language for bikeways and pedestrian links and how they relate to the greenways and open space around town.

In 1999, Montgomery Township hired an assistant planner to coordinate the acquisition and management of open space. As part of the *Conservation Easement Monitoring* program, Montgomery Township hired an assistant planner to monitor and enforce conservation easements throughout the Township. Also, as a result of this assessment process and the draft report, the Township is reevaluating the enforcement policies on their ordinances and revamping language in other ordinances at the same time.

Over five years ago, the Township began developing a Geographic Information System (GIS) to manage, analyze and map a variety of data in support of the decision making process. As a result, the Township was selected by Somerset County as a premier GIS developer and was used as a model for the Countywide shared services program. Today, Montgomery has over 80 data layers and remains one of the most aggressive municipalities undertaking GIS in the state. Last year, Montgomery was selected by the US Environmental Protection Agency to employ the Smart Growth Index software.

Throughout the various stages of plan development the Township has sought the advice, input, and partnership of the aforementioned groups, their own Staff, and active citizens. These are a few examples of how Montgomery Township works as an active community.

Montgomery Township is also undergoing some major projects that, when implemented, will accomplish goals as stated in the Master Plan. Utilizing public participation aids the Township in creating plans that will benefit the public good and helps strengthen a sense of community. For example, Montgomery's Transportation Advisory Committee held four (4) public meetings to provide information and gather input on traffic and transportation solutions, and the master plan Committee held five (5) additional public planning forums and distributed a public survey to gain input on the potential rezoning of land in the vicinity of the Rte. 206/Rte. 518 intersection. Residents recommended desired land uses and amenities to recreate these crossroads as more functional and aesthetically pleasing.

Plans for the possible redevelopment of the North Princeton Development Center also came under public review to determine priority uses of the site and information gathered through this process has informed the township's vision for the site as mostly parkland with cultural, recreational, educational and civic uses that serve public wants and needs.

Finally, through developing Planned Residential Developments and acquiring open space, the Township has prevented commercial development along most of the Route 206 corridor between Belle Mead and Rocky Hill. Commercial and mixed-use development has been focused around the two concentrated areas so as to minimize the impact of sprawl and over-development along this stretch of highway. Continued efforts in this area of planning and community development will only benefit the Township more and maintain the rural character it identifies itself with.