



WESTTOWN TOWNSHIP

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November 17, 2016

Mr. Gregg I. Adelman, Esq.
c/o Kaplin Stewart Attorneys at Law
Union Meeting Corporate Center
910 Harvest Drive, P.O. Box 3037
Blue Bell, PA 19422-0765

Re: Toll PA XVIII, L.P. – Conditional Use Application for Crebilly Tract Development

Dear Mr. Adelman:

The Township is in receipt of the Toll PA XVIII, L.P. Conditional Use Application for Crebilly Tract Development. This application calls for the development of a minimum of 317 single-family detached dwellings through the utilization of the Flexible Development Procedure as prescribed in Article IX of the Westtown Township Zoning Ordinance. The proposed development encompasses 322.36 acres, is bound by Wilmington Pike, West Street Road, South New Street and West Pleasant Grove Road and includes twelve separate parcels identified as being 67-4-29, 67-4-29.1, 67-4-29.2, 67-4-29.3, 67-4-29.4, 67-4-30, 67-4-31, 67-4-32, 67-4-33, 67-4-33.1 and 67-4-134.

The purpose of the submission was for the Township to determine the overall completeness of the application prior to both commencing the conditional use process as outlined under Chapter 149 of the Westtown Township Code and amendment process as outlined under §170-2009 of the Westtown Township Zoning Ordinance. The following items were included in the submission:

- Application, application fees and project narrative
- Exhibit A: ESE Consultants, Inc. plans titled "Conditional Use Subdivision Plan for Crebilly Farm Plan A/Proposed Development," Sheets 1-45, dated October 7, 2016.
- Exhibit B: Aqua America Will Serve letter
- Exhibit C: Geo-Technology Associates, Inc. On-Site Wastewater Feasibility letter dated October 11, 2016
- Exhibit D: Carroll Engineering Corporation letter dated September 19, 2016 and revised September 20, 2016

- Exhibit E: ESE Consultants, Inc.'s Stormwater Management Narrative, dated October 2016
- Exhibit F: Geo-Technology Associates, Inc.'s Preliminary Geotechnical Exploration dated August 11, 2016
- Exhibit G: David C. Babbitt & Associates, LLC Fiscal Impact Analysis dated October 13, 2016
- Exhibit H: McMahon Associates, Inc.'s Transportation Impact Study dated October 13, 2016
- Exhibit I: ESE Consultants, Inc. plan titled "Plan A Alternative Proposed 30' Spacing Development," Sheet 45 of 45, dated October 7, 2016
- Exhibit J: ESE Consultants, Inc. plan titled "Plan B Proposed Density Bonus Development," dated October 7, 2016

Please be advised the Township does not consider the application to be complete at this time.

This determination only applies to the "Plan A" submission, and not for either the "Alternate A" or "B" plans at this time. The Township acknowledges the Applicant can supplement both the "Alternate A" or "B" plans during the Planning Commission review or hearings to render these plans complete, but at a minimum the "Plan A" submission must be complete to move forward.

The principal item to be addressed with regards to Plan A are standards set forth in §170-1617 specific to conservation design, as required by both §170-2009.B(7) and §170-1617.A. The conservation design plan requirements should have been demonstrably and separately completed prior to the drafting and submission of Plan A or any alternative plan. More detailed comments on the specific areas needing to be addressed are outlined on pp. 4-7 of this letter.

Secondly, Plan A does not fully address §170-2009.B(6)(d) which requires indication of the *"location, planned uses, approximate overall dimensions, gross floor area, coverage and height of each building or structure."* The "Overall Lot Layout" includes a diagrammatic representation for each type of lot and lot dimensions, but does not address overall dimensions, gross floor area, coverage or height of structures. Actual representative building plans should be submitted and the same information provided for the non-residential structures.

In addition to this, there are several other issues. However, we do acknowledge that they will all likely be addressed in the context of full compliance with the conservation design process, which will identify a number of impacts. Specifically, deficiencies exist with:

- §170-2009.B(1) which requires indication of *"means by which potential impacts from the proposed use will be mitigated."*

- Plan A does not conform to a number of requirements for use of the Flexible Development Procedure as set forth in §170-902.D, notably requirements on various fronts for consistency with the currently applicable Comprehensive (Growth Management) Plan, which includes provision for the “connector” road parallel to Route 202 (see page 82 of the Growth Management Plan) and for public trails. Plan A also fails to adequately address recreational requirements set forth in §170-907.A(2) and §170-907.A(3). No submitted plans address protection of historic landscapes and scenic views pursuant to §170-904.A(3), required in the context of bonus density.
- Plan A provides justification for density calculations which on their face comply with §170-2009.B(3)(d). However, some of the information is preliminary and interpretation of soils data may not be entirely correct, and should be vetted further before the Planning Commission.
- Plan A and accompanying documentation include preliminary site grading and road profiles and preliminary stormwater management analysis in conformance with §170-2009.B(3)(d), as modified by §170-2009.B(3)(a) which specifically notes that detailed versions of the same information need not be submitted until subdivision and land development submission. However. It is notable that preliminary grading, as submitted, does not extend at all into the areas of the proposed residential lots. Further review by the Township consulting team will be required to determine if submitted information is sufficient to adequately consider conditional use approval.
- Plan A does not fully address §170-2009.B(6)(b) which requires indication of Applicant’s intentions in regard to the “location, approximate dimension, and arrangement of all areas devoted to ground cover, trees, screen planting, open space, recreation, and similar purposes, as applicable.” Plan A includes a general open space plan and a “Typical Landscape Plan.” The Typical Landscape Plan shows typical plans for each type of residential lot but does not graphically address the extent of plantings to be introduced across the tract as a whole, notably excluding plantings in open spaces and particularly screening to enhance or protect views as required by other sections of the Zoning Ordinance.

If you have any further questions, please do not hesitate to ask.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'CPA', with a long horizontal stroke extending to the right.

Chris Patriarca, AICP
Zoning Officer

Cc: Robert R. Pingar, P.E. – Westtown Township Manager
Patrick McKenna, Esq. – Westtown Township Solicitor

Conservation Design

§170-1617 states “As part of an application for a flexible development or for any application for a development of three or more acres of nonresidential development or for five or more residential lots, the applicant shall submit the sketches described in this §170-1617 and shall demonstrate to the satisfaction of the Planning Commission that the following process was followed in designing the proposed development.” §170-2009.B(7) requires conformance with this requirement at the time of Conditional Use Plan submission.

§170-1617.C(1) requires the submission of an “Existing resources and site analysis map,” including “*primary conservation areas*” and “*secondary conservation areas*,” pursuant to further listed requirements. A very basic “Existing resources and site analysis map” has been submitted but is deficient in some regards and less than fully clear in others, as described below:

§170-1617.C(1)(b) requires delineation of one-hundred-year floodplains based upon official floodplain mapping or a more accurate professional analysis in accordance with §170-401.C. Floodplains are shown but are not clearly consistent with §170-401.C which further calls for inclusion of “alluvial soils” where no specific floodplain designation exists. Recent changes to the Soil Survey do not appear to call out a specific list of “alluvial soils,” but do note the Hatboro Silt Loam (Ha) as subject to frequent flooding and found in floodplains. Applicant’s map does show this soil as “seasonable high water table” but does not include it in the floodplain. This also may affect density calculations and requires further review.

§170-1617.C(1)(c) requires that other important existing resources on the site be added to the map, including woodlands, tree lines, large specimen trees over 18 inches in trunk diameter, scenic views from inside the site, ridgelines, and scenic views from existing streets and trails. These resources are required to be shown as “secondary conservation areas.”

§170-1617.C(1)(c) further states that the Planning Commission may require the identification of scenic views beyond those identified by the Applicant. Applicant’s “Existing resources and site analysis map” shows treelines and “existing deciduous trees” outside treelines, but with no indication of size to determine whether or not they are “large specimen trees.” Scenic views from inside the site, ridgelines, and scenic views from existing streets are not shown, nor are trails.

§170-1617.C(1)(c)[1] requires that the “Existing resources and site analysis map” or an accompanying map, also show uses of properties that are contiguous or across a street, and these are not shown at this time.

§170-1617.C(1)(c)[2] requires the indication of the approximate locations of natural features and principal buildings on those properties that are within 150 feet of the perimeter lot lines. These also are not shown at this time.

§170-1617.C(1)(c)[4] requires indication of the locations and descriptions of existing buildings, with a description of any historic architectural significance of each, if any. Existing buildings are shown on Applicant's map but historical significance is not indicated or described.

§170-1617.C(1)(c)[5] requires that adjacent private or public open spaces, parklands and pedestrian or bicycle trails be shown on the "Existing resources and site analysis map." These also are not shown at this time.

§170-1617.C(1)(d) requires as a second mapping step, that the applicant highlight on a plan the areas that are proposed to be conserved in some form of open space. This section further provides that where common open space is required, it shall be shown as such and where common open space is not required, the open space may be proposed as privately owned areas that are intended to remain unbuilt. §170-1617.C(1)(d) also notes that the open space areas should be interconnected. While a general open space plan is provided with the Plan A submission, there is no specific indication as to how it conforms to the conservation design process. Open spaces are interconnected and generally reflect conservation of "primary conservation areas" which are constrained from development anyway. There is no indication as to how or how much "secondary conservation areas," which for the most part have not been inventoried, are preserved.

§170-1617.C(2) requires as a third mapping step, the submission of a "Potential Development Areas Concept Map." This section requires that, based upon consideration of the existing features map and the primary and secondary conservation areas, the potential development areas be mapped that are best suited for the majority of the development on the tract. This section notes that potential development areas shall not include any "primary conservation areas," except that minor intrusion into primary conservation areas for land development purposes may be permitted where otherwise permitted in accordance with Article IV or to provide for regulated activities permitted by the Commonwealth, i.e., permitted stream or wetland crossing or other encroachment. It also notes that potential development areas shall be delineated so as to minimize intrusion into "secondary conservation areas." Further, "Land development activities and associated land disturbance shall not be permitted within more than 50% of secondary conservation areas, except where this standard is modified at the discretion of the Board of Supervisors as a condition of preliminary or final subdivision/land development plan approval or conditional use approval as applicable. In consideration of modification of this standard, the Board shall consider the nature of the intended land use and the anticipated scope of land disturbance normally associated with such use, as well as any planning or design measures proposed by the

applicant to mitigate any environmental, aesthetic, or other community impacts resulting from land disturbance within secondary conservation areas.”

§170-1617.C(3) further requires that the approximate proposed locations of new homes and other building sites be selected within defined “potential development areas,” in respect of the identified primary and secondary conservation areas. This section recognizes that “some intrusions into the secondary conservation areas may be necessary to allow reasonable uses of the land, provided that such development is carefully located and designed to minimize impacts upon the most important resources and features.” It further states that “building sites and associated facilities also should be selected so as to maximize views, including views into the conservation areas.” Although the submitted plans indicate the locations of proposed building lots, no “Potential Development Areas Concept Map” has been provided, nor is there any indication that the locations of building sites have been selected in respect of primary and secondary conservation areas or protection of views. Development plans for each alternative are shown, but there is no specific response to the requirements of these subsections; and particularly, no indication as to disturbance percentages for “secondary conservation areas,” which are not fully mapped as noted above.

§170-1617.C(3)(b) requires that “the applicant shall provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties. This may involve an overlay map that shows important natural features and proposed development.” No such written or graphic analysis has been provided except an unsubstantiated statement in the introduction to the submission stating that the design is in accordance with the conservation design process and has not been formally demonstrated.

§170-1617.C(4) requires as a further mapping step in the conservation design process, the layout of streets and trails, stating “an efficient street layout shall then be designed to serve the appropriate building sites. Trails should also be considered to link together common open spaces, clusters of homes and other destinations (such as nearby stores, parks and schools).” Trails are not shown on the plans at this time.

§170-1617.C(5) requires the drawing of lot lines as the final mapping step in the conservation design process, and notes that “once this sketch is prepared, then more detailed engineering may be completed.” With the absence of so many of the conservation design steps described above, it is clear that submitted plans never began to draw lot lines in response to the conservation design process.

Additional items for consideration prior to the conditional use hearings

§170-1617.C(1)(a) requires that wetlands be indicated based upon a professional analysis, with identification of the individual who completed such analysis. Wetlands are indicated and the preparer is identified. The pond along Route 926 is not included in the wetlands. The wetlands determination should be reviewed by a consultant on behalf of the Township and submitted to the Army Corps for confirmation of jurisdictional wetlands.

§170-1617.C(1)(c)[3] requires that the approximate location of areas with a seasonally high water table be indicated, based upon the Soil Survey for Chester and Delaware Counties or a more accurate professional analysis. The “Existing resources and site analysis map” includes the identification of Hatboro Silt Loam (Ha – see note above regarding floodplain designation) and Baile Silt Loam (Ba) as seasonally high water table soils. The Soils Survey also notes that Glenville Silt Loam (GIB) is “hydric” and has the potential for high water tables throughout the year (0.5 feet below surface). While the Soils Survey notes that, area-wide, the GIB map unit is only 5% hydric, it is not noted in this submission.



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December 22, 2016

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Union Meeting Corporate Center
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- Exhibit J: ESE Consultants, Inc. plan titled "Plan B Proposed Density Bonus Development," dated October 7, 2016

After receipt of a letter advising the application was administratively incomplete on November 17, 2016, the following additional information was resubmitted to the Township:

- ESE Consultants, Inc. response letter to the November 17, 2016 letter from the Zoning Officer, dated December 9, 2016
- ESE Consultants, Inc. plans titled "Conditional Use Subdivision Plan for Crebilly Farm Plan A/Proposed Development," Sheets 1-4D and 44A-45, dated October 7, 2016 and last revised December 8, 2016.
- Depth to Water Table from NCRS for site area, pages 1 to 4 of 4 and dated July 20, 2015.

Please be advised the Township considers the application to be administratively complete at this time.

This determination only applies to the "Plan A" submission, and not for either the "Alternate A" or "B" plans at this time. The Township acknowledges the Applicant can supplement both the "Alternate A" or "B" plans during the Planning Commission review or hearings to render these plans complete.

The principal item to be addressed with regards to Plan A at the time of initial submission were standards set forth in §170-1617 specific to conservation design, as required by both §170-2009.B(7) and §170-1617.A. The mapping of scenic views required as part of its conservation design will still need to be addressed as part of the on-going Planning Commission review. The identification and mapping of scenic views of the Crebilly site is an important component of the overall plan and the Planning Commission looks forward to continuing this iterative process with the applicant that commenced as part of their December 15, 2016 meeting for "Plan A" only at this time.

If you have any further questions, please do not hesitate to ask.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'CP' with a long horizontal stroke extending to the right.

Chris Patriarca, AICP
Zoning Officer

Cc: Andrew Semon – Toll Brothers Division President
Robert R. Pingar, P.E. – Westtown Township Manager
Patrick McKenna, Esq. – Westtown Township Solicitor