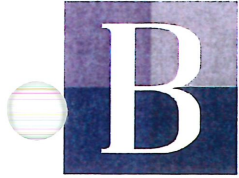


Exhibit B-29



BUCKLEY BRION
MCGUIRE & MORRIS LLP

KRISTIN S. CAMP
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f: 610.436.8305
e: kcamp@buckleyllp.com
118 W. Market Street, Suite 300
West Chester, PA 19382-2928

December 13, 2019

Board of Supervisors
WESTTOWN TOWNSHIP
1039 Wilmington Pike
West Chester, PA 19382

Re: Planning Commission Recommendation for Toll PA XVIII, L.P.
Conditional Use Application II for Flexible Development of Crebilly Farm

Dear Board Members:

At its meeting on December 4, 2019, the Westtown Township Planning Commission (the "Planning Commission") met to consider the second conditional use application filed by Toll PA XVIII, L.P. ("Applicant") for the proposed development of the Crebilly Farm with a flexible development containing 319 single family dwellings. Applicant seeks a conditional use pursuant to Sections 170-903.A and C of the Township Zoning Ordinance to allow the development of a flexible development with single family detached dwellings and multifamily dwellings on the property commonly referred to as the Crebilly Farm (the "Property"). The Planning Commission reviewed the plan attached to the conditional use application titled, "Conditional Use Subdivision Plan for the Robinson Tract Proposed Development", prepared by ESE Consultants Inc., sheets 1 through 71, dated August 9, 2019 (hereinafter the "Plan"). It should be noted that Applicant attended only one Planning Commission meeting to present the second application and refused to attend any subsequent meetings to respond to questions raised by the Planning Commission, Township consultants and members of the public concerning the application and Plan. The Planning Commission was hampered in its review and found it surprising and disappointing that Applicant was not willing to participate in the review and discussion of such a large and impactful development in the Township. It should also be noted that Applicant filed a response to the various Township consultant review letters and supplemental traffic study on December 3, 2019 that was not reviewed by the Township consultants or Planning Commission as of the December 4, 2019 meeting. The Planning Commission reserves the right to supplement its recommendation based on the Township consultants' review of the supplemental reports filed by Applicant.

At the conclusion of the meeting, the Planning Commission voted unanimously to make the following recommendation to the Board of Supervisors (the "Board").

The Planning Commission does not believe that Applicant has demonstrated compliance with the criteria in §170-2009(D)1(h) of the Ordinance¹ and therefore, the application should be denied on that basis. Based on the Township Traffic Engineer's review of Applicant's Transportation Impact Study, as well as the Plan, the Planning Commission believes that Applicant has failed to provide credible evidence to demonstrate that the proposed flexible development will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The Planning Commission bases this conclusion on the comments made by the Traffic Engineer in his review letter dated October 15, 2019 and issues raised by the Pennsylvania Department of Transportation ("PennDOT") in its Memorandum dated October 11, 2019. The most notable deficiencies noted by the Township Traffic Engineer are: (i) insufficient and/or unverified access sight distances; (ii) inclusive traffic impacts due to the use of outdated traffic counts in Applicant's traffic study; and (iii) the use of incomplete or outdated data to derive assumed diversions and crash summaries.

The Planning Commission also finds that the Plan is not consistent with the Westtown Township Comprehensive Plan adopted March 18, 2019 (the "Comprehensive Plan") and, thus, Applicant has not demonstrated compliance with Section 170-902.D of the Ordinance. The Planning Commission bases this opinion on the deficiencies noted by the Township's Land Planner, John D. Snook in his Memorandum dated October 17, 2019 and, by reference, his Memorandum dated October 3, 2019.

The Planning Commission also recommends that the Plan be denied because Applicant has failed to adequately demonstrate that the proposed development does not unreasonably or significantly affect the values protected by Article 1, Section 27 of the Pennsylvania Constitution known as the "Environmental Rights Amendment"- that is "the right to clean air, pure water and preservation of natural, scenic, historic and esthetic values of the environment."

¹ Section 170-2009.D(1)(h) of the Ordinance requires an applicant seeking conditional use approval to prove to the satisfaction of the Board by credible evidence that:

the proposed flexible development will not result in or substantially add to a significant traffic hazard or significant traffic congestion;

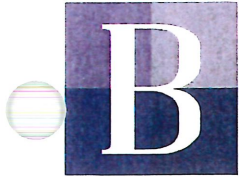
peak traffic generated by the development shall be accommodated in a safe and efficient manner; and

applicant provides sufficient information detailing which improvements to streets it is committed to complete or fund in order to handle the increased traffic anticipated by the proposed flexible development.



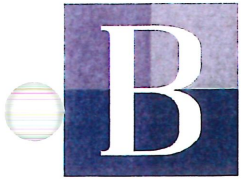
Recognizing that Applicant has filed supplementary reports since filing the Application and that it may present additional evidence at the conditional use hearing, the Planning Commission took a second vote and unanimously recommended to the Board of Supervisors that if Applicant presents evidence or more recent traffic reports, revised grading/intersection designs, updated traffic counts, more in-depth modeling and more comprehensive safety studies to address the comments and noted deficiencies in the Traffic Engineer's October 15, 2019 review letter to satisfy its burden of proof under Section 170-2009.D(1)(h), revises the Plan so that it is consistent with the Comprehensive Plan as required by Section 170-902.D, and presents sufficient evidence to demonstrate that the proposed development does not unreasonably or significantly affect the protected values under the Environmental Rights Amendment, the Board should approve the application subject to the conditions stated hereinbelow:

- 1) The flexible development shall contain a maximum of 319 dwelling units, which shall include the two existing dwellings on the Property.
- 2) The Plan shall be revised to be consistent with the Comprehensive Plan and to mitigate impacts to important scenic and historic resources by preserving a significant proportion of the scenic and historic landscapes which are visible from the public right-of-way and characteristic of the natural heritage and historical settlement of the land. This requires the Plan to be revised to preserve a larger contiguous area of land on the western portion of the Property in the area designated in purple and labeled "Brandywine Battlefield Swath" on the review letter submitted by the Chester County Planning Commission ("CCPC") dated October 18, 2019, specifically Figure 3 of such letter, which letter is attached hereto as Exhibit "A". This area has been identified by Sean Moir of Western Heritage Mapping as the location of a portion of the 2nd Light Infantry Battalion and the Hessian Jaegers March en route to their engagement with the Continentals as part of the Battle of Brandywine (aka the Hessian March). The Planning Commission recognizes that Applicant has revised the Plan from the first conditional use application to shift some of the development further east; however, the Planning Commission believes that more development could be shifted further east to avoid the "Brandywine Battlefield Swath" as defined by the Chester County Planning Commission and to avoid the portions of the Property which were designated as open space or greenway in the Future Land Use Plan adopted as part of the Comprehensive Plan.
- 3) The area designated as the "Brandywine Battlefield Swath" on the CCPC review letter shall be limited to disturbance necessary for the development and installation of facilities for sewage disposal, stormwater management, access, utilities, agricultural or equestrian use, recreational areas, or historic interpretation and trails. The existing



historic resources that are located on the Property in the area designated as “Brandywine Battlefield Swath” shall be maintained and adaptively reused in accordance with condition 26 below.

- 4) Applicant shall satisfactorily address the comments raised by the Township Traffic Engineer in his correspondence dated October 15, 2019.
- 5) Applicant shall engage with the Westminster Presbyterian Church to evaluate, and if determined feasible by the Township: (i) redesign the Connector Road so that it aligns with Orvis Way; (ii) provide a direct access from the Connector Road to the Church at a mutually agreed upon location.
- 6) The Plans shall be revised to add additional landscaping at the intersection of Road N and the Collector Road to buffer headlights from vehicles facing eastbound on Road N.
- 7) The Connector Road shall be offered for dedication to the Township and shall be designed to adequately accommodate heavy equipment and truck traffic. Appropriate weight limitations for the Connector Road shall be determined during land development.
- 8) Applicant shall construct a traffic signal at the intersection of the Connector Road and PA Route 926 and Bridlewood Boulevard, including fiber-optic interconnection to and coordination with the adjacent traffic signals along PA Route 926 at US Route 202 and New Street. If not immediately permitted by PennDOT as part of the development’s Highway Occupancy Permit, funds for the future design, permitting and construction (including contingency and 10 years’ escalation) of a traffic signal at this location shall be placed in an escrow account with the Township as beneficiary prior to the release of the final approved subdivision and land development plans for recording. The amount of money to be placed in escrow shall be determined by the Township Engineer and shall be posted by Applicant as part of the financial security which is posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code (“MPC”). The funds shall be used by the Township for installation of this traffic signal when permitted by PennDOT.



- 9) If not constructed by PennDOT, Applicant shall obtain all permits for design and construction of the following turn lanes (and ancillary infrastructure modifications including but not limited to traffic signals, drainage and pedestrian facilities):
 - a. A southbound right turn lane, 150' in length or as otherwise required by PennDOT, on US 202 at PA 926, and
 - b. An eastbound left turn lane, 500' in length or as otherwise required by PennDOT, on PA 926 at US 202.

- 10) Applicant shall revise the Plan to offer for dedication right-of-way along:
 - a. US Route 202, PA Route 926, New Street and West Pleasant Grove Road as appropriate to comply with § 170-1511, and
 - b. Along US Route 202 and PA Route 926 as appropriate to accommodate the improvements required by Condition #9 above.

- 11) Applicant shall improve the cartway of W. Pleasant Grove along the property frontage to:
 - a. Comply with § 149-903.A(2) for width,
 - b. Comply with § 149-910.D for paving,
 - c. Provide landscaping in accordance with a plan to be developed in coordination with and approved by the Township, and
 - d. Implement traffic calming measures in accordance with a plan to be developed in coordination with and approved by the Township. This may include roundabouts at the Connector Road and other site accesses.

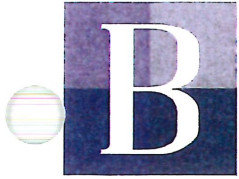
- 12) Applicant shall design, permit and construct the following turn lanes (and ancillary infrastructure modifications including but not limited to traffic signals, drainage and pedestrian facilities):
 - a. A southbound right turn deceleration lane, 100' in length or as otherwise required by PennDOT, on US 202 at West Pleasant Grove Road;
 - b. An eastbound left turn lane, 50' in length or as otherwise required by PennDOT, on PA 926 at New Street.
 - c. Eastbound and westbound left turn lanes on W. Pleasant Grove Rd. between the Collector Road and Orvis Road or other improvements approved by the Township to mitigate potential conflicts associated with overlapping left turns.



- 13) Applicant shall implement traffic calming measures in accordance with plans to be developed in coordination with and approved by the Township(s) along the following roads:
 - a. Dunvegan Road;
 - b. Bridlewood Boulevard (in conjunction with Thornbury Township);
and
 - c. Jacqueline Drive (if supported by post development traffic counts, completed following 50% and 100% occupancy of the development, showing increased volumes).
 - d. Road B to discourage cut through traffic.
- 14) Applicant shall eliminate the access from Road M and W. Pleasant Grove Road in order to minimize external conflict points, promote internal connectivity, reduce the number of cul-de-sacs and enhance overall safety along W. Pleasant Grove Road. This will also require the Plan to be revised to connect Roads L and N. If Applicant requires waivers from any provisions of the Township's Subdivision and Land Development Ordinance in order to make this Plan modification, the Planning Commission would support such waiver being granted by the Board.
- 15) Any trees that are located within the right-of-way of W. Pleasant Grove Road and S. New Street that are determined to create an unsafe condition or pose a traffic hazard to vehicles traveling on such roads shall be removed by Applicant. The determination of which trees create an unsafe condition shall be determined by the Township engineer and road master and shall be marked on the final subdivision and land development plans.
- 16) During land development, Applicant shall implement an access and routing plan for construction vehicles to be developed in coordination with and approved by the Township in order to avoid undue impact on the roads. This Plan should include the inspection and video documentation of all roadways adjacent to the site prior to the start of construction. If, as a result of construction of the development proposed by the Plan, Applicant and its contractors damage the roads which are used by heavy construction vehicles, Applicant shall restore the same.
- 17) The Connector Road shall include pedestrian amenities with a paved surface that can accommodate pedestrians and bicyclists. The specifications and locations of the pedestrian amenities shall be determined by the Board at land development.



- 18) The Plans shall be revised to be consistent with the Comprehensive Plan, specifically the Trails and Bikeways Map and Open Space and Recreation Plan, to provide an integrated trail network which includes a perimeter trail in the locations generally depicted on the Trails and Bikeways Map adopted as part of the Comprehensive Plan. The exact location, design and specifications of the perimeter trail shall be determined as part of land development but shall generally loop along Pleasant Grove Road, New Street and Street Road and connect to the pedestrian amenities that are built on the Connector Road. This perimeter trail shall be paved in accordance with specifications approved by the Board during land development but shall be designed to accommodate pedestrians and bicyclists and shall be dedicated to the Township for public use. The Planning Commission recognizes that Applicant will be required to provide proper crossings of wetlands to install this perimeter trail and obtaining such permits shall be a condition of final plan approval.
- 19) Applicant shall provide a trail connection to the trail in the Arborview development and a crosswalk on W. Pleasant Grove Road to connect the perimeter trail to the Arborview trail. Applicant shall provide a trail connection to the proposed trail in Thornbury Township on the Spackman parcel. Applicant shall provide a pedestrian connection to the intersection of Route 202 and Route 926.
- 20) All trails on the Property shall be paved with a surface designed to accommodate pedestrians and bicyclists except for those trails located within environmentally sensitive areas where a different treatment may be used upon approval by the Township. The Planning Commission supports the use of porous paving which will allow infiltration of water. Internal trails shall be dedicated to the homeowners association which is created for the development. The exact location, design and specifications for all internal trails on the Property shall be finalized during land development approval.
- 21) The Plan shall be revised to provide sidewalks on one side of the streets and suitable pedestrian connections to community facilities. The exact location of the sidewalks shall be determined during land development. All sidewalks shall be maintained by the Homeowners Association for the development.
- 22) Prior to issuance of grading permits, Applicant shall cause to be conducted an archeological survey including ground penetrating radar survey of any areas proposed to be disturbed within the Brandywine Battlefield Swath which is depicted on the CCPC review letter dated October 18, 2019, Figure 3. Applicant shall share the



reports of the archaeological survey with the Township and Pennsylvania Historic and Museum Commission and preserve any artifacts discovered on the Property.

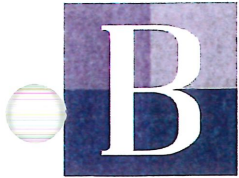
- 23) Applicant shall preserve the following historic structures located on the Property which are referenced in the Applicant's historic resource inventory titled "Physical Description of Historic Structures" prepared by Cultural Resource Consultants dated December 13, 2016 ("Historic Resource Inventory"):
1. Chapel/springhouse- #24 on the Historic Resource Inventory;
 2. The old Barn- Barn #1 on the Historic Resource Inventory;
 3. The equestrian barn- #11 on the Historic Resource Inventory; and
 4. The serpentine house on South New Street- #3 and buildings associated with this house (old stable, garage) #4, #5 on the Historic Resource Inventory.

These structures shall remain in their existing location on the Property and conveyed to the homeowners association for adaptive reuse as community facilities unless Applicant procures another third-party entity who wishes to own and maintain these historic resources. Nothing herein shall prevent Applicant from conveying these historic resources to another party for adaptive reuse and subject to restrictions or easements to ensure their continued use and preservation.

- 24) During land development, Applicant shall provide evidence to the Township as to whether it is feasible to relocate the Westtown Inn/Darlington Tavern #25 on the Historic Resource Inventory without jeopardizing its structural integrity. If Applicant can demonstrate that it is not feasible to relocate the Inn without damaging its structural integrity, then Applicant shall maintain the Inn in its present location and convey it to the homeowners association as a community room. If Applicant fails to demonstrate by sufficient credible evidence that relocating the Inn will jeopardize the structural integrity of the historic structure, then Applicant shall relocate the Inn to a different location on the Property approved by the Board for use by the homeowners association as a community facility.
- 25) Applicant shall remove the metal siding on the front right section of the J.Q. Taylor Tenant House (Item #29 on the Historic Resource Inventory), above and below the porch, and entirely on the east (right side) elevation (of the main block of the house) for further examination. If it is determined that such house has valuable historic significance due to its architecture, Applicant shall preserve the same.



- 26) All of the historic resources that are preserved shall be adaptively reused for any purpose as permitted by the Ordinance, subject to Township approval with input and recommendation from the Township Historical Commission.
- 27) Applicant shall execute and record façade or conservation easements on all Historic Resources that are preserved and adaptively reused. The terms of such easements shall be approved by the Board during land development.
- 28) Applicant shall ensure that the budget for the homeowners association provides sufficient revenues to ensure adequate long-term maintenance and operational costs associated with the preservation and continued adaptive reuse of any historic structures that are conveyed to the homeowners association.
- 29) Prior to the issuance of any grading permit for the Property, Applicant shall provide access to the Property and all historic structures located on the Property for members and/or representatives of the Township Historical Commission to document and photograph these historic structures.
- 30) The flexible development shall be serviced by public water.
- 31) Applicant shall revise the Plan to provide public sewer to the development. The Planning Commission recognizes that the Board will have to amend the Township's Act 537 Plan to include the Property in the public sewer service area. The Planning Commission supports this Act 537 Plan Update. As part of its land development application, Applicant shall prepare planning modules for land development that provide all wastewater facilities necessary to connect the Property to the public sewer system and any and all upgrades to the existing public sewer which are necessary to provide sufficient capacity for the proposed development. Applicant shall construct the necessary upgrades to the Township's public sewer system which are necessary to provide sufficient capacity for the proposed development. The specific upgrades that Applicant must make to provide public sewer service to the development shall be determined by the Board during land development, however, Applicant shall at a minimum provide the following improvements:
 - a. A sewage pump station to convey flow from the proposed development to the Township's existing sewer system. The pump station shall be designed to meet the standards provided by the Westtown Township's wastewater



- consultant. The pump station shall be sized to handle all proposed sewage flows from the development and an additional 35 EDU's from the adjacent Arborview Pump station.
- b. Extend proposed sewers in Road K north across West Pleasant Grove Road into Dunvegan Road past the north right-of-way line of West Pleasant Grove Road.
 - c. Extend proposed sewers in Road L to West Pleasant Grove Road and then east in West Pleasant Grove Road to the Arborview Pump station.
 - d. Reconstruct the Pleasant Grove Pump Station.
 - e. If the existing sewer collection system leading to the Pleasant Grove Pump station does not have sufficient capacity to handle the flows from the proposed development, the Planning Commission prefers that the wastewater be pumped from the Property Eastwardly in Street Road to Tower Course Drive.
- 32) The Plan shall be revised to eliminate the proposed effluent disposal areas. The areas depicted as proposed effluent disposal areas on the Plan may be used to relocate development outside of the Brandywine Battlefield Swath.
- 33) In order to prevent further impairment of the Radley Run, to improve surface water quality and assist the Township in meeting its Pollutant Reduction Plan for the Radley Run, Applicant shall implement stream restoration of the portions of the stream that traverse the Property which exhibit bank erosion and scour. Applicant shall coordinate with the Township Engineer during the land development process to select vegetation and landscaping that will best assist the Township to reach the goals and requirements of the PaDEP MS4 program. Such provisions will address concerns regarding water quality and phosphorus reduction in the watersheds.
- 34) Applicant shall provide an easement as necessary to permit extension of sewer to the adjacent property, Chester County Tax Parcel No. 67-4-34, currently owned by Vasilious Moscharis. Any tap-in fee for same, as determined by the Township, shall be the responsibility of the owner of Parcel 67-4-34.

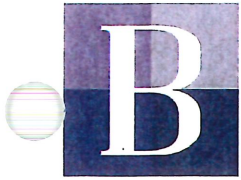


- 35) Applicant shall preserve existing trees along the Property boundary with Parcel 67-4-34 and shall extend as necessary, a landscaped berm along the length of the dwelling on Parcel 67-4-34 to provide additional screening for this dwelling.
- 36) Applicant shall address the comments in the Township Engineer's review letter dated October 3, 2019 to the satisfaction of the Engineer and Board during land development approval.
- 37) The Plan shall be revised to add a note which restricts the total impervious cover that can be constructed on each individual lot, including the two existing lots that shall be retained by the current legal owner. The total square footage of impervious coverage per lot shall be determined by the Township Engineer to be necessary to mitigate stormwater runoff from the individual lots, as determined at the land development phase. Applicant shall include in the homeowner association declaration or deeds to the individual lots a note that advises the lot owners the total amount of impervious cover in square feet that may be built on such lot.
- 38) Applicant shall minimize impervious surfaces throughout the site, using green storm water management technology as applicable.
- 39) Applicant shall grant the Township easements across the open space on the Property for future basin upgrades that the Township may need to perform in order to comply with its MS4 permit requirements.
- 40) Applicant shall make every effort to balance the cut and fill within the development to avoid unnecessary import or export of soils during construction.
- 41) Subject to PennDOT approval, Applicant shall install the necessary equipment to allow for traffic light preemption for use by the emergency responders along the U.S. Route 202 corridor and along U.S. Route 926 at the intersection with New Street.
- 42) Applicant shall provide an emergency access road from the Property to South New Street. Such access road shall be wide enough to accommodate the largest apparatus used by the Fame Fire Company. The details for the location, width and

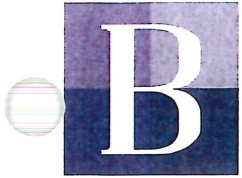


specifications for the emergency access road shall be determined by the Board during land development.

- 43) Applicant shall investigate if in the design of its stormwater management facilities or road improvements it is able to make improvements to mitigate the existing flooding conditions that occur during heavy rain events on properties located to the south of the Property. If it is feasible to mitigate such flooding conditions, Applicant shall implement such improvements as approved by the Township Engineer and Board as part of land development.
- 44) Applicant shall include in the deeds for the lots in the development and in the homeowner's declaration deed restrictions that prohibit any disturbance of the riparian buffers required by the Township Code. Such deed restrictions shall run with the land and be enforceable by the Township.
- 45) As a part of land development, Applicant shall study the existing condition and hydraulic capacity of the S. New Street Bridge over Radley Run. If the Township Engineer determines that the existing condition and/or function of the bridge is not sufficient to support the impacts from the proposed development of the Property, Applicant shall improve the condition and/or function of the bridge to mitigate the impacts of construction of the development on the Property. The Township Engineer shall determine what improvements must be made to the bridge to support the proposed development.
- 46) Applicant shall provide a plan which identifies the location of off-street parking for all contractors who will be involved in construction on the Property. The parking plan shall ensure that parking for contractors occurs off of public roads in locations that do not create an adverse impact to the public health, safety and welfare. The parking plan should be approved by the Board during land development.
- 47) Applicant shall coordinate with the West Chester Area School District to identify locations for appropriate and safe bus stops throughout the development. The bus stops shall be in locations that allows sufficient areas for vehicles to park while waiting at the bus stop for drop-off and pick-up.



- 48) Applicant shall provide sufficient off-street parking in areas where community facilities are located. The exact number of off-street parking spaces that are provided shall be approved by the Board during land development.
- 49) Applicant shall revise the Plan to relocate the proposed carriage homes at the end of the cul-de-sacs which are highlighted in red on the attached map which was prepared by the Township's Public Works Director. The Plan shall provide open areas off of the cartway of the cul-de-sacs to allow for the deposit of snow that is shoveled from the road.
- 50) Applicant shall revise the Plan to redesign the 90° bends in Road J and Road F which are highlighted in blue on the attached plan to eliminate difficult maneuvers by snowplow vehicles.
- 51) The Plan shall be revised to add notes that restrict parking on certain roads if necessary to facilitate access by emergency vehicles and snow plows.
- 52) Driveway and mailbox locations, fire hydrants, public utility transformers, access panels, stormwater inlets, street trees and road signs should be designed and located in areas which allow for proper snow removal and snow disposal areas.
- 53) Applicant shall preserve and retain the scale house located northeast of the house at 501 West Street Road (depicted in Photo 21 of CRC's report dated December 13, 2016) and the corn cribs located west of the Robinson House (depicted in Photo 9 and Photo 23 of CRC's report dated December 13, 2016). Such structures shall be conveyed to the homeowners association and properly maintained.
- 54) Subject to approval of PennDOT, all construction activities within the right of way of Route 202 and Route 926, including lane closures, shall be restricted to the hours of 7:00pm–6:00am. At all times while performing road improvements to these roads, Applicant's contractors must allow continuous access on these roads.
- 55) All construction activities within the right of way of S. New Street and W. Pleasant Grove Road, including lane closures, shall be restricted to the hours of 7:00pm – 6:00am. At all times while performing road improvements to these roads, Applicant's contractors must allow continuous access on these roads.



- 56) Applicant shall prepare and implement a deer management plan which shall address the effect of the proposed development on the deer population on the Property. This deer management plan shall be approved by the Township as part of land development.
- 57) Applicant shall revise the Plan to maintain the existing unpaved equestrian access along the perimeter of the Property and to create an easement that allows the continued use of this area for equestrian use by the public.
- 58) Applicant shall deed restrict all of the proposed lots in the Development, including the 2 lots to be retained by the legal owner, against further subdivision.

If you have any questions regarding the Planning Commission's recommendation, please do not hesitate to contact me.

Very truly yours,

Kristin S. Camp

KSC/akf
Enclosures

cc: Robert Pingar, P.E., Township Manager
Will Ethridge, Township Planning Director
Planning Commission
Patrick M. McKenna, Esquire
Gregg I. Adelman, Esquire

EXHIBIT A

THE COUNTY OF CHESTER



COMMISSIONERS
Michelle Kichline
Kathi Cozzone
Terence Farrell

Brian N. O'Leary, AICP
Executive Director

PLANNING COMMISSION
Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610) 344-6515

October 18, 2019

William Ethridge, AICP, Director of Planning & Zoning
Westtown Township
P.O. Box 79
Westtown, PA 19395

Re: Conditional Use – The Robinson Tract
Westtown Township - CU-09-19-16071

Dear Mr. Ethridge:

A Conditional Use Plan entitled "The Robinson Tract", prepared by ESE Consultants, Inc., and dated August 9, 2019, was received by this office on September 19, 2019. Although our review is not required by Act 247, the Pennsylvania Municipalities Planning Code as amended, our comments are offered as a planning service at the request of Westtown Township. This review does not replace the need for an official referral by Westtown Township of a preliminary or final subdivision plan, as required by the Pennsylvania Municipalities Planning Code.

PROJECT SUMMARY:

Location:	west side of Route 202, between Street Road (Route 926) and West Pleasant Grove Road
Site Acreage:	322.36
Proposed Land Use:	184 single family residential lots, 135 townhouse lots
Municipal Land Use Plan Designation:	Neighborhood Conservation, Open Space and Greenway
UPI#:	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, 67-4-33, 67-4-33.1, 67-4-32, 67-4-134

PROPOSAL:

The applicant proposes the creation of 319 residential lots (184 single family lots and 135 townhouse lots), and 196.94 acres of open space. There are existing residences on Lots A and B. Additionally, existing buildings will be converted into a Community Club building, with 26 parking spaces, and an Amenity Center, with 54 parking spaces. The Application Narrative indicates that the proposed development will be served by public water, and either on-site (community) sewer or public sewer. The project site, which is located in the A/C Agricultural/Cluster Residential and R-1 Residential zoning districts, is being developed under the Flexible Development Procedure Requirements set forth in Article IX of the Township Zoning Ordinance, which requires conditional use approval.

RECOMMENDATION: The County Planning Commission recommends that the applicant and Township should consider a revised site plan in which the proposed development activity is located, to the greatest extent possible, on the eastern portion of the site in accord with the site design, historic preservation, and access and circulation recommendations identified in this review.

BACKGROUND:

1. The County Planning Commission previously reviewed a conditional use application for this site. CCPC# CU-11-16-14546, dated December 7, 2016, addressed the creation of 319 residential lots (202 single-family residential and 117 townhouse lots), and 197.2 acres of open space. According to our records, this prior conditional use application was denied by the Township.

We acknowledge that the revisions depicted on the current plan submission include providing a higher percentage of townhouse lots, along with the construction of a collector road from West Pleasant Grove Road to Route 926 that is generally in alignment with the proposed collector road corridor depicted on the Roadway Functional Classifications map in the Township’s 2019 Comprehensive Plan. We also acknowledge that an Active Recreation Plan (Sheet 50) was included with the current application. Furthermore, the current submission included conservation design plans (Sheets 3 through 11), which depict primary and secondary conservation areas, along with scenic views. The County Planning Commission supports the preservation of scenic viewsheds, in this specific instance the scenic views from West Pleasant Grove Road, New Street and Route 926.

2. The County Planning Commission recently reviewed two zoning amendments pertaining to revisions to the A/C Agricultural/Cluster Residential district and the Flexible Development Procedure standards in Article IX of the Township Zoning Ordinance, the latest of which occurred on July 26, 2019 (CCPC# ZA-07-19-15979). It is our understanding that, while the Township adopted these zoning amendments on August 19, 2019, the current conditional use application is being reviewed under the zoning ordinance in effect on August 16, 2019.

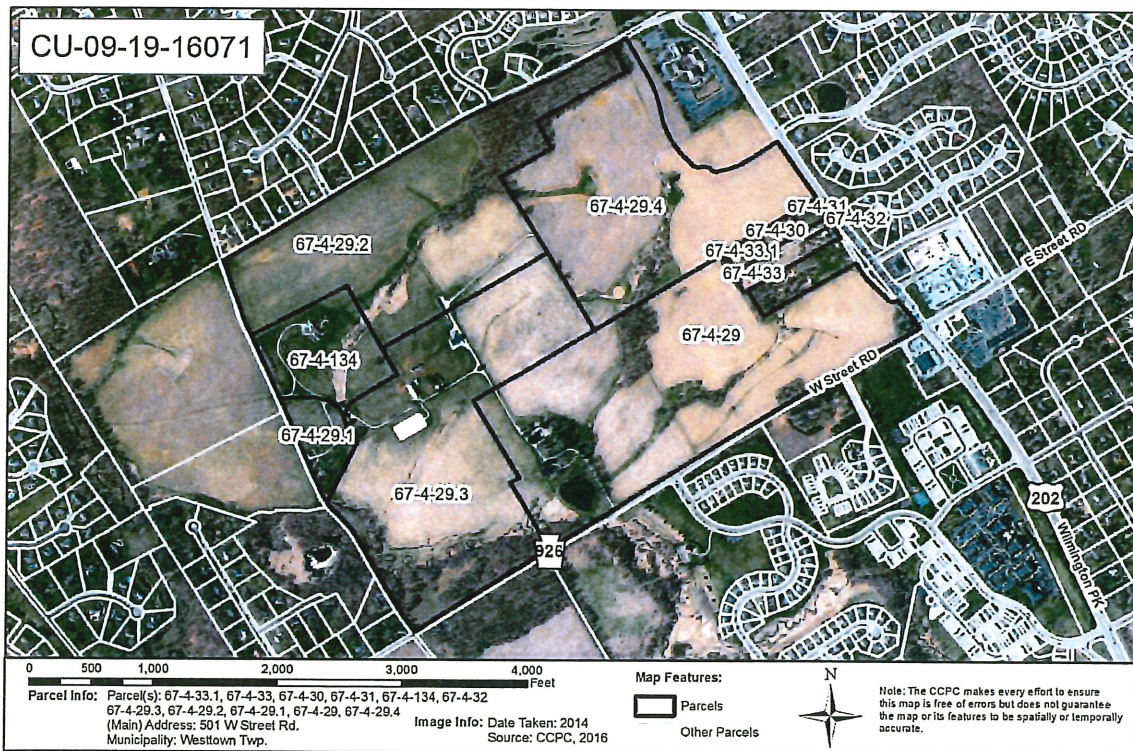


Figure 1: Location Map – The Robinson Tract (aka Crebilly Farm)

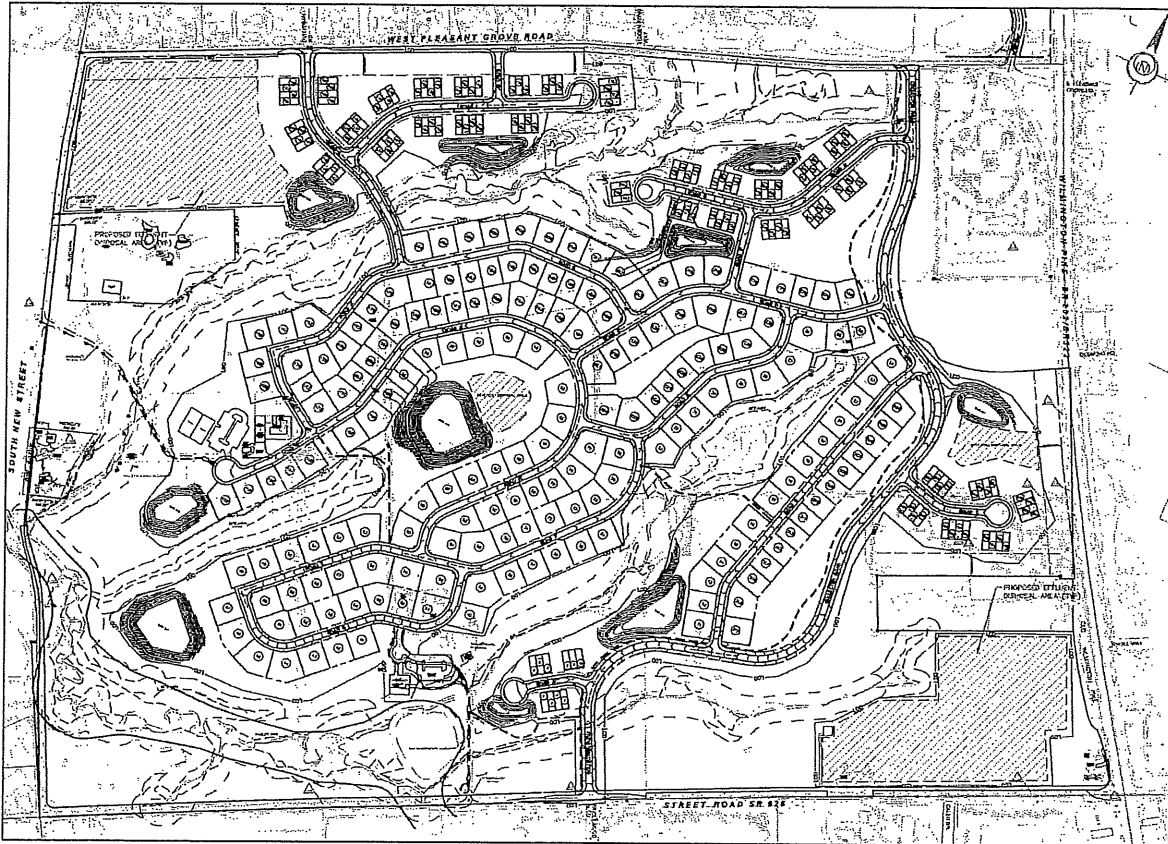


Figure 2: Site Plan Detail, Sheet 12, Conditional Use Application, The Robinson Tract

LANDSCAPES:

3. While the eastern portion of the project site is located within the **Suburban Landscape** designation of *Landscapes3*, the 2018 County Comprehensive Plan, the central and western portions are located in the **Rural Landscape** and **Brandywine Battlefield** Overlay designations. Additionally, the **Natural Landscape** designation extends across the entire tract. The vision for the **Suburban Landscape** is predominantly residential communities with locally-oriented commercial uses and facilities, accommodating growth at a medium density that retains a focus on residential neighborhoods, with enhancements in housing diversity and affordability. Additionally, roads, sidewalks and paths with convenient access to parks and community facilities should be provided. The vision for the **Rural Landscape** is the preservation of significant areas of open space, critical natural areas, and cultural resources with a limited amount of context sensitive development permitted to accommodate residential and farm needs. As an overlay of all other landscapes, the county's **Natural Landscapes** consist of a network of streams, wetlands, floodplains, and forests that are protected by regulations or should be subject to limited disturbance. Conservation practices should protect and restore these natural resources. *Landscapes3* recognizes the Brandywine Battlefield as an overlay area on the Landscapes Map. Development within or adjacent to the Brandywine Battlefield should preserve key lands, adaptively reuse historic resources, and apply context-sensitive design to integrate with distinctive cultural features and the nationally significant cultural landscape.

While single family detached and townhouse development is an appropriate use in a **Suburban Landscape** designation, the proposed residential development on the western portion of the site is not consistent with the goals and objectives of the **Rural Landscape** designation nor is it consistent with the historic resource and context preservation policies of *Landscapes3*. In order for the proposed development of the Robinson Tract to be generally consistent with *Landscapes3*, the applicant and Township should consider the development of a revised site plan in which the proposed development activity is located, to the greatest extent possible, on the eastern portion of the site (this issue is further discussed in comment #5).

WATERSHEDS:

4. *Watersheds*, the water resources component of *Landscapes3*, indicates the proposed development is located within the Radley Run subbasin of the Brandywine Creek watershed, and the Chester Creek watershed. *Watersheds'* highest priority land use objectives within the Brandywine Creek and Chester Creek watersheds are: reduce stormwater runoff, restore water quality of “impaired” streams, and protect vegetated riparian corridors. *Watersheds* can be accessed at www.chesco.org/water.

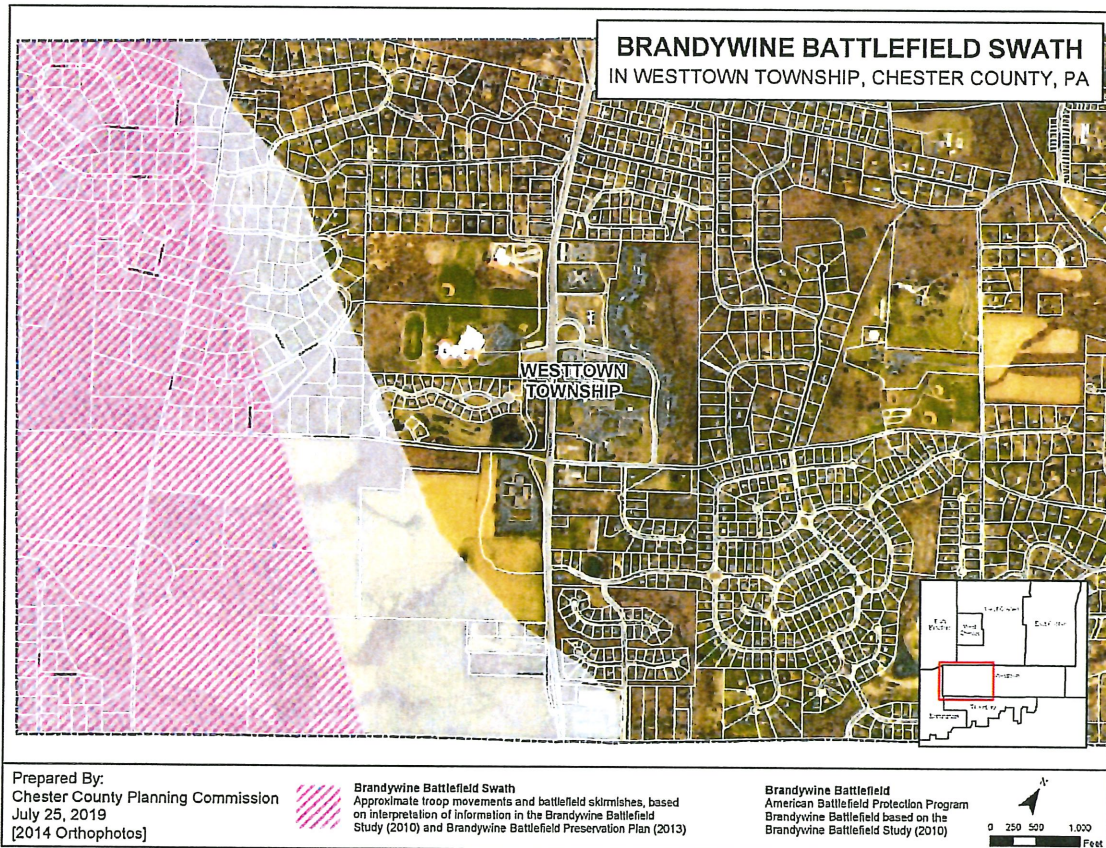


Figure 3: Brandywine Battlefield Swath, Approximate troop movements and battlefield skirmishes

PRIMARY ISSUES:

Site Design/Historic Preservation:

5. The County Planning Commission recommends that the applicant and Township consider the development of a revised site plan in which the proposed development activity is located, to the greatest extent possible, on the eastern portion of the site outside of the **Rural Landscape** designation, and outside of the Brandywine Battlefield, particularly the area of approximate troop movements and battlefield skirmishes shown in Figure 3 on page 4 as the “Brandywine Battlefield Swath.” This will also provide some protection for the Crebilly Farm which is eligible for the National Register as a gentleman’s farm. Additionally, we note that the Westtown Inn (aka Darlington Corners Inn, built circa 1820) at the northwest corner of the Route 202 and Route 926 is eligible for the National Register of Historic Places. “Appreciate” Objective A of *Landscapes3*, the 2018 County Comprehensive Plan, is to preserve historic resources in their context while supporting appropriate reuse as a vital part of our community infrastructure and character. Additional information on this issue is available online at: www.chescoplanning.org/Landscapes3/1c-Appreciate.cfm.

Figure 4, which was also provided in our previous review letter, provides a conceptual illustration of how development activity on the Robinson Tract can be located outside of the majority of the Rural Landscape and Brandywine Battlefield area. The County Planning Commission would be happy to work with the applicant and the Township on alternative sketch plans of the site that have a higher proportion of townhouses, along with more open space provided on the portion of the tract located in the Rural Landscape.

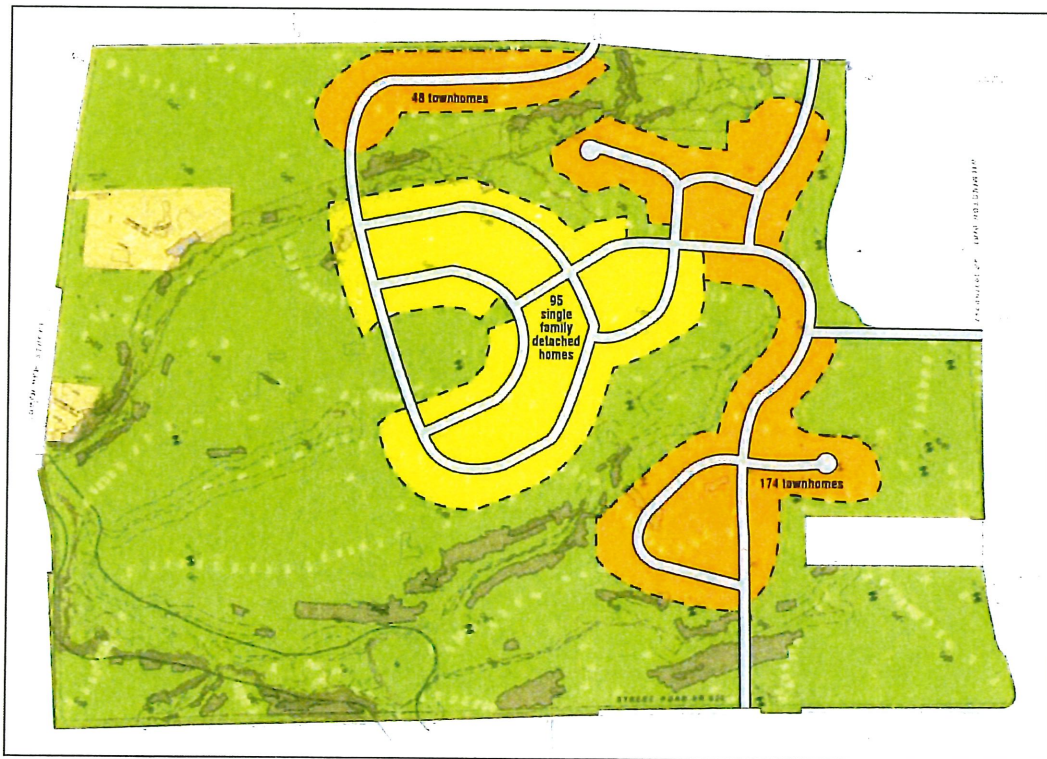


Figure 4: Chester County Planning Commission's conceptual illustration of development on the Robinson Tract (December 7, 2016)

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6. As stated in our previous review, the applicant and Township should investigate the feasibility of moving the Westtown Inn further from the Route 202/Route 926 intersection in order to allow future improvements to this intersection while preserving this historic resource.
7. For clarity purposes, the applicant should provide a comprehensive list of all buildings/structures on the project site, which identifies what will happen to each building/structure (whether it will remain as is, be adaptively reused, or demolished). While we acknowledge that a report outlining the physical description of the structures on the site was included with the submission to the County Planning Commission, we note that this report, dated December 13, 2016, pre-dates the March 27, 2017 correspondence from the Pennsylvania State Historic Preservation Office (PA SHPO) that the Crebilly Farm is eligible for the National Register of Historic Places.
8. The applicant should clearly identify how access will be provided to all proposed open space areas, for both the uses of residents and for maintenance purposes. In general, the applicant should strive to provide access to the open space from each area or neighborhood within the development, without the need for users to travel significant distances or cross an excessive number of streets. The open space portion of the site should be conserved via easements.
9. For clarity purposes, the applicant should identify if the proposed open space areas will be deed restricted. If not, the Township should consider requiring the open space areas be deed restricted from further development.
10. The application materials indicate that the garage entrances will be located on the front of the townhouse units. We suggest that the end units be oriented so that the garages are side-loaded.
11. Land conservation is an option. The County would be happy to work with the applicant, Township and conservancies to preserve this property.

Access and Circulation:

12. Primary vehicular access to the site will be provided from a collector road that extends from West Pleasant Grove Road to Route 926 at its intersection with Bridlewood Boulevard. Additionally, two road connections onto Pleasant Grove Road west of the proposed collector road will be provided. The Transportation Impact Study prepared by McMahon Associates, Inc., and dated August 13, 2019, states that a traffic signal will be installed at the Collector Road/Route 926/Bridlewood Boulevard intersection, when warranted in accordance with PennDOT criteria (page 22). The Study also recommends that the applicant will complete traffic signal retiming optimization of the Route 926/New Street and Route 202/Route 926 intersections.

Both the Township Engineer and PennDOT should review the findings in the Transportation Impact Study. In particular, the Township should examine the impacts the additional traffic will have upon the existing residences along West Pleasant Grove Road. Additionally, the Collector Road/Route 926/Bridlewood Boulevard intersection should be in a closed loop signal system with the other existing signals along Route 926 in the immediate vicinity of the project site.

Furthermore, the applicant should identify the location of the proposed improvements to the Route 202/Route 926 intersection that are being proposed by PennDOT on the site plan. The applicant should dedicate any required right-of-way, and potentially build the improvements that are on the applicant's site.

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The Collector Road will assuredly have higher volumes from both site (20-30%) and off site (70-80%) cut through traffic (as noted on page 23 of the Transportation Impact Study), and is presumed to have a maximum speed limit of 35 miles per hour, though that is not stated in the Transportation Impact Study. During peak hours, some traffic may divert onto Road B, particularly southbound as a means to shortcut the Collector Road. The internal roadways with house frontage, such as Road B, are assumed to be 25 miles per hour, and consideration should be given toward the installation of traffic calming measures such as speed humps on Road B to discourage any cut through traffic.

13. The applicant should show on the plans the two lanes of egress at the Collector Road/Route 926/Bridlewood Boulevard intersection, as recommended in the Transportation Impact Study, particularly since the applicant will be making these improvements.
14. While the site plan depicts the location of six foot wide asphalt trails within the eastern and central portion of the site, the site plan does not indicate that sidewalks will be provided, particularly on the eastern portion of the site. Sidewalks should be provided along all interior roadways, on both sides. The proposed 50 foot wide rights-of-way and 24 foot roadways leave ample space for the placement of a minimum five foot sidewalk. Residents should not be forced to walk within the roadways. Direct pedestrian access (sidewalks and crosswalk areas) should also be provided to the adjoining Westminster Presbyterian Church site located at the southwest corner of the Route 202/West Pleasant Grove Road intersection.

Additionally, the Trails and Bikeways Map in the Township's 2019 Comprehensive Plan depicts the location of a trail corridor that generally extends around the perimeter of the site to the west of the connector road corridor, with trail connections to the north. The Township's 2014 Open Space, Recreation and Environmental Resources Plan Update (page 19) states that this trail "would be a much needed amenity for the western end of the Township." Crosswalks should be provided as part of this pedestrian trail network.

15. If the six foot wide asphalt trails are to be available for public use and are to permit both pedestrians and bicyclists, these trails should be a minimum of 8 feet and preferably 10 feet wide, as is the standard for a multi-use trail. Additional information on this topic is provided in the Shared Use Facilities Design Element of the Chester County [Multi-Modal Circulation Handbook](#) (2016 Update). This information is available online at:
<https://www.chescoplanning.org/municorner/MultiModal/03-SharedFacs.cfm>
16. Direct pedestrian access, including trail connections within open space areas, should be provided to all proposed recreation facilities. While we acknowledge that the proposed trail network extends to the community club building on the southern portion of the site, it does not appear to extend to the activity center. The applicant and Township should refer to the Pedestrian Facilities Design Element of the Chester County [Multi-Modal Circulation Handbook](#) (2016 Update) in its design of the pedestrian facilities for this development. This information is available online at:
<http://www.chescoplanning.org/MuniCorner/MultiModal/02-PedFacs.cfm>.
17. The site plan depicts the location of two emergency access connections (one onto Street Road west of the Collector Road/Route 926/Bridlewood Boulevard intersection, and one onto South New Street). However, no design details for these emergency access connections are provided. This should be clarified by the applicant. We recommend the applicant and Township refer to the Emergency Access design element of the County Planning Commission's [Multimodal Circulation Handbook](#) (2016 Update) in its design of the emergency access connections. This information is available online at: www.chesco.org/DocumentCenter/View/27034.

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Natural Features Protection:

18. The 2015 Chester County Natural Heritage Inventory, which is available online at chescoplanning.org/natresources/ResourcesChesco.cfm, indicates the southwest corner of the project site is located within the core habitat of the Brinton's Quarry Serpentine Barren Natural Heritage Area (NHA) included in the Pennsylvania Natural Diversity Index (PNDI), which hosts five plant species of concern. *Landscapes3* recognizes NHA core habitat areas as natural resource priority protection areas. Protecting natural areas helps ensure that the critical functions these areas provide will not diminish due to development. Development on this portion of the site could be detrimental to the NHA species population, if they exist on the site. We recommend that the applicant and Township contact the PA Department of Conservation and Natural Resources, Pennsylvania Natural Heritage Program (<http://www.naturalheritage.state.pa.us> or RA-HeritageReview@pa.gov) for further information on this matter.
19. The site plan depicts that development activity will occur in existing steep slope areas. The Township should verify that the design of the slopes is consistent with all applicable ordinance requirements in Section 170-402 of the Township Zoning Ordinance ("Steep Slope Conservation District") related to permitted grades, the design and specifications of retaining walls and slope stabilization.
20. While a plan note on Sheets 2, 3 and 11 indicate that the floodplain information is taken from maps dated September 29, 2017, a plan note on Sheet 5 indicates that floodplain information was taken from maps dated September 29, 2006. This should be clarified by the applicant.
21. The site contains wetlands and hydric soil areas. The applicant should contact the U.S. Army Corps of Engineers and Pennsylvania Department of Environmental Protection to determine if the proposed development activity will require a wetlands permit. On-site alterations to existing drainage patterns should be carefully inspected by the Township Engineer to ensure that off-site drainage conditions are not negatively affected.
22. We suggest that the applicant and Township investigate the feasibility of increasing the riparian buffers provided along the creeks that traverse the project site, and do stream bank stabilization and tree plantings along these corridors. *Landscapes3* supports the comprehensive protection and restoration of the county's ecosystems, including riparian corridors ("Protect" Objective B, page 63).
23. The site plan indicates that the Collector Road will cross a stream to the immediate north of Route 926. The applicant should be aware that an encroachment permit may be required by the Pennsylvania Department of Environmental Protection in accordance with Section 105.293 of its Rules and Regulations. The applicant should supply information on the installation technique and materials to ensure that there will be no stream degradation (or seepage of effluent into the stream).

Zoning Ordinance Compliance:

24. While Sheet 12-Overall Lot Layout provides a brief list of the tract area, proposed density and proposed impervious coverage of the development, it does not provide a zoning compliance table. This should be clarified by the applicant.

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Stormwater Management:

25. Land disturbance and land development activities that occur within Chester County must comply with the *County-wide Act 167 Stormwater Management Plan for Chester County, PA* (July 2013) and the associated Act 167 stormwater management ordinance standards adopted by each municipality.
26. The applicant and the Township should consider “naturalizing” the stormwater management basin by adding additional landscaping/vegetative screening to soften the appearance of the facilities.

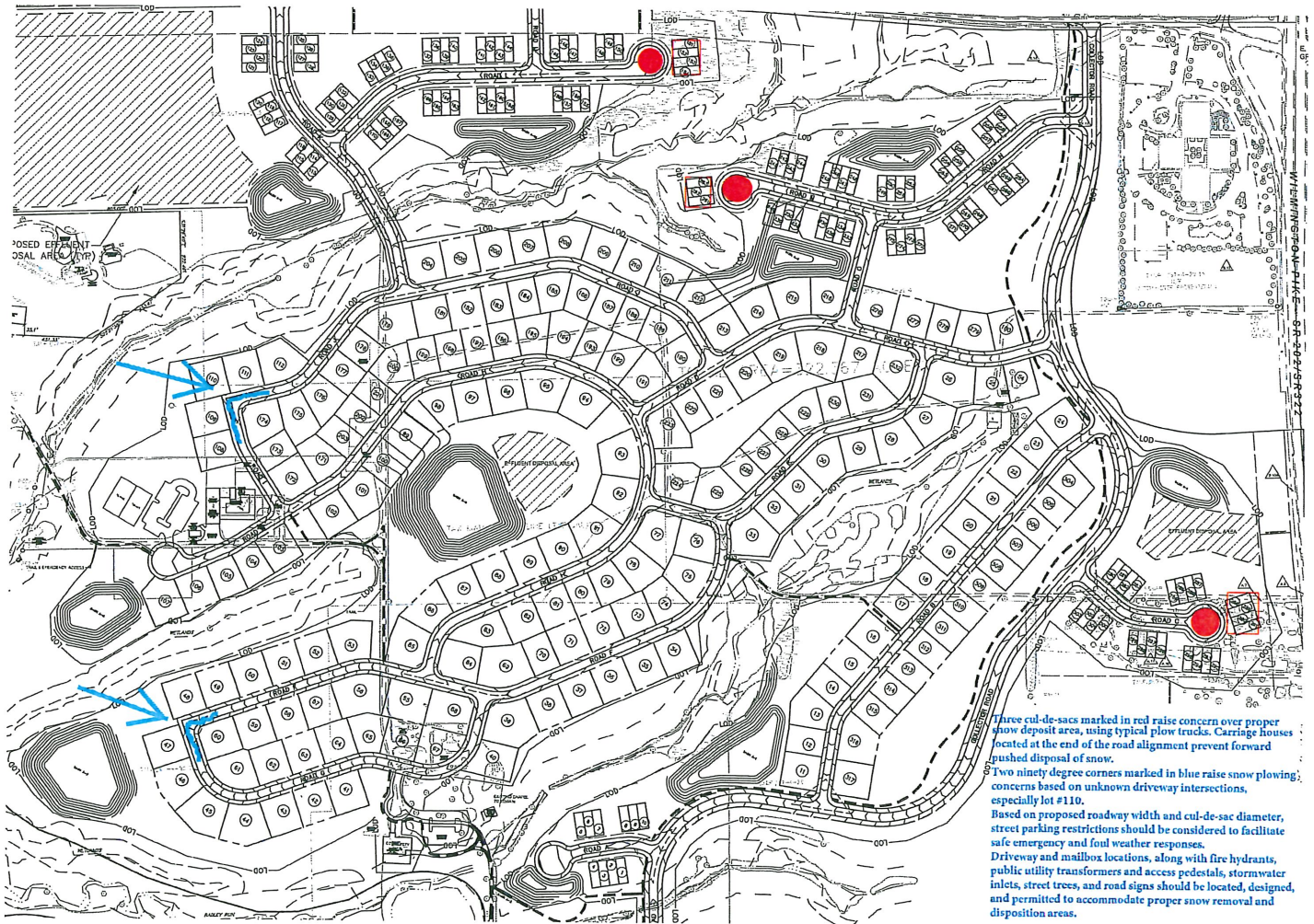
We appreciate the opportunity to comment on this proposal. Approval of this conditional use does not imply approval of the proposed subdivision plan, nor release the requirement of the applicant to submit a subdivision plan under other Township ordinances and the Pennsylvania Municipalities Planning Code.

Sincerely,



Paul Farkas
Senior Review Planner

cc: Toll PA XVIII, L.P.
ESE Consultants, Inc.
Crebilly Farm Associates, L.P.
Teresa DeStefano, Planning Commission Secretary, Thornbury Township
Anthony Antonelli, District Permits Manager, PennDOT
Francis J. Hanney, PennDOT



Three cul-de-sacs marked in red raise concern over proper snow deposit area, using typical plow trucks. Carriage houses located at the end of the road alignment prevent forward pushed disposal of snow.

Two ninety degree corners marked in blue raise snow plowing concerns based on unknown driveway intersections, especially lot #110.

Based on proposed roadway width and cul-de-sac diameter, street parking restrictions should be considered to facilitate safe emergency and foul weather responses. Driveway and mailbox locations, along with fire hydrants, public utility transformers and access pedestals, stormwater inlets, street trees, and road signs should be located, designed, and permitted to accommodate proper snow removal and disposition areas.