

December 2, 2019

Mr. Will Etheridge, AICP  
Director of Planning and Zoning  
Westtown Township  
1039 Wilmington Pike  
West Chester, PA 19382

RE: Conditional Use Application for Robinson Tract Development  
Parcels 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  
501 West Street Road, West Chester, Chester County, PA  
Toll PA XVIII, L.P.

Dear Mr. Etheridge:

On behalf of the applicant please accept for review the enclosed Robinson Tract Development: Conditional Use Subdivision Plans, Prepared by ESE Consultants, dated August 9, 2019, last revised November 22, 2019.

The Robinson Tract Property in Westtown Township, PA comprises a  $\pm$  322.4-acre tract located in the A/C Agricultural / Cluster District with a Flexible Development Option. The product mix is 200 single family, 117 single family attached (carriage homes), and 2 existing dwellings to remain. The development also proposes existing barns and buildings to remain and to be converted into community centers with -yet to be determined- outdoor recreational facilities, and common open space. It is located on the southern corners of West Pleasant Grove Road and Wilmington Pike (S.R. 202) and bounded on the south west by South New Street, and Street Road (S.R. 926) on the south west.

This letter includes responses to review letters of the following agencies: October 3, 2019 by Township Engineer McCormick Taylor, October 3, 2019 by Township Sewer Engineer Carroll Engineering, October 3, 2019 by Township Stormwater Management Engineer Cedarville Engineering, October 3, 2019 Police Department, October 3 and 17, 2019 Township Planning Consultant John Snook, and October 15, 2019 Township Traffic Consultant Albert Federico Consulting.

McCormick Taylor, October 3, 2019:

#### NEW COMMENTS

1. §170-1705.A.3 - Townhouses, apartments, and similar multifamily dwellings shall provide 2.5 parking spaces per dwelling unit, 0.5 spaces of which may be located in convenient overflow areas for guests. The applicant has not provided a location for overflow parking for the proposed townhouses.

*Response: A detail is provided on plan sheet 70 showing 2 parking spaces in the garage and 2 parking spaces on the driveway. Overflow parking is not required.*

2. The applicant should confirm the availability of the proposed landscaping for the site. Previous applications have requested waivers and substitutions.

*Response: At this time the applicant is not requesting any waivers or substitutions.*

3. §149-902 - The applicant should provide cross sections for the proposed roadways on the site.

*Response: The required profiles are included on the plans. Cross sections are not required at this time and will be included during the Land Development process.*

4. The final design and layout for the Collector Road should be a topic of conversation between the design firm and the Township review staff. Specific consideration should be given to areas between the Collector Road and the property line of the West Minister Presbyterian Church. We have reservations that the 100' building setback is applied throughout the site and special consideration should be given to the area in question.

*Response: Section 170.904.E.2B applies to existing external roads and not to new proposed internal roads.*

5. At the intersection of "Road N" and the proposed Collector Road, additional landscaping may be warranted due to vehicular traffic movements.

*Response: Existing vegetation is to remain.*

6. The final location of the proposed trail should be a matter of discussion between the design firm, Planning Commission, and the appropriate emergency personnel to ensure accessibility.

*Response: No response required.*

7. The drainage catchment area for the site conveys flow to the South New Street Bridge along Radley Run. As a measure of verifying the health of the infrastructure, the applicant should consider providing resources to the Township to improve and enhance the current condition of the bridge features such as guiderail, masonry, and the wing walls. A report regarding the current state of the bridge is on file at the Township building.

*Response: No action required. Off-site infrastructure/improvement that is not the developer's responsibility.*

8. Consideration should be given to the overall regional planning for the proposed trail and the existing trail located on the Northern properties approaching Stetson Middle School.

*Response: No response required.*

## ZONING

9. §170-904.E.2.c - Not more than 45% of the gross area of the tract shall be covered by impervious surfaces. It appears to be in compliance with the code, however; during the land development process, the designers should be aware of the future homeowners to add amenities to the existing lot that could alter the impervious coverage calculations.

*Response: Development complies with §170-904.E.2.c.*

10. §170-904.E.2.d.i - Streets within an integrated townhouse development shall be designed in accordance with the terms of Chapter 149, Subdivision and Land Development; provisions for the maintenance of any private streets shall be an essential part of the plan for development. The Township may, but is not required to, accept dedication of the streets within the integrated townhouse development for public use. It may require the posting of security in an amount and form satisfactory to it for the construction of such streets, as set forth in

Chapter 149, Subdivision and Land Development.

*Response: Acknowledged, to be considered during land development.*

11. §170-904.E.2.d.2.b - Parking for each dwelling unit shall be provided either at the rear of the unit or shall be grouped into one or more parking areas serving a number of dwelling units.

*Response: This appears to be intended for multi-story apartment buildings and should not apply to townhomes. The plan complies with the intent of the zoning ordinance as this section continues with "Individual curb cuts shall be permitted only for access to garages contained in units". The proposed 2 parking spaces in the driveway and additional area in the 2-car garage (0.5 space each) will meet the requirement of 2.5 spaces. A detail of the possible parking configuration is on plan sheet 70. Furthermore, the Township SALDO section 149.903.A.5 does not permit service streets (alleys) in multifamily developments to the rear of the units from which parking could be accessed. Therefore, there would be no way to provide rear access and parking for the townhouses.*

12. §170-904.E.5 -To create architectural interest in the layout and character of housing fronting streets, variations in building line shall be encouraged.

*Response: The applicant has noted the request and will take into consideration during the development of the subdivision plans.*

13. §170-904.E.7 - Building height shall be limited to three stories not to exceed 38 feet.

*Response: Building height is listed on sheet 13 and no new residential structure will exceed 38 feet in height.*

14. §170-904.E.10.a - No structure shall be within 30 feet of the curb of access roads.

*Response: There are no structures within 30' of the curb. A clarifying note has been added to plan sheet 12 and has been included as a revised sheet to this submission.*

15. §170-904.E.11 - Single-family detached dwellings, and uses accessory thereto, shall be a minimum of 50 feet, and all other structures shall be a minimum of 100 feet, from the property lines of the tract. The existing dwelling located on Proposed Lot B is less than 50 feet from the property line of the tract. The applicant should coordinate the existing non-conformity with the Township Solicitor.

*Response: The dwelling is an existing non-conforming structure, no action required.*

16. §170-905.A.1.j - As part of the application for conditional use approval of any flexible development, the applicant shall prepare and submit to the Township a site analysis which identifies the historic resources, including structures, ruins, sites, traces, and relationship to the bounds of any National Register historic district.

*Response: Section 170-905.A(1)(G) limits the required site analysis to only the subject property and the relationship of the on-site structures/resource to the bounds of any historic district. The property is not located within the Brandywine Battlefield National Historic Landmark. Therefore, there are no relationships of any structures to any historic district on the property. The report prepared by RGA Cultural Resource Consultants, dated December 13, 2016, identifies all structures that may be historic resources on the property.*

17. §170-905.A.3 - The applicant shall submit a proposed stormwater management plan, to be approved by the Township Engineer in accordance with Chapter 149, Subdivision and Land Development. In addition, the Board may require the submission of a study of the off-site and overall groundwater impacts of the proposed stormwater management system. The applicant should ensure adequate drainage around the proposed townhouses.

***Response: The stormwater system will be fully designed and engineered during land development. Conditional Use only involves the zoning or use of the property and not the particulars of land development.***

18. §170-905.A.5 -An erosion and sedimentation control plan shall be filed and implemented in accordance with the regulations of the Pennsylvania Department of Environmental Protection and the requirements of Chapter 149, Subdivision and Land Development.

***Response: The erosion control system will be fully designed and engineered during land development.***

19. §170-905.D - Signs, as required by Article XVIII. The applicant should indicate if a sign is being proposed and provide all associated information on the plan.

***Response: The signs will be designed and permitted during land development.***

20. §170-905.E - Lighting, as required by §170-1514. The applicant should provide a lighting plan for review with the next submission.

***Response: A lighting design was included in the plan set on plan sheets 51 to 69.***

21. §170-907.A.7.g - The area of common open space shall be made subject to such agreement with the Township and such deed restrictions, duly recorded in the office of the Chester County Recorder of Deeds, as may be required by the Board of Supervisors for the purpose of preserving the common open space for such use.

***Response: No response required.***

22. §170-908.A - The developer shall provide to the Township a description of the organization, including its bylaws and documents governing common open space maintenance and use restrictions.

***Response: Sample HOA documents are included with this re-submission and will be finalized during land development.***

23. §170-1507.C - There shall be no plantings, ground cover or other objects placed within the road right-of-way above 18 inches in height.

***Response: There are no plantings, ground cover or other objects proposed within the road right-of-way above 18 inches in height.***

24. 170-2009.B.6.e - Strong consideration shall be given to incorporation of LEED (Leadership in Energy and Environmental Design) certified building design principals recommended by the US Green Building Council.

***Response: No response required.***

25. §170-2009.D.1.b - The proposal shall be consistent with the Township Comprehensive Plan and with the

purpose of this chapter to promote the public health, safety, and general welfare.

*Response: In accordance with Pennsylvania law, the proposed plan does not need to be consistent with the Township Comprehensive Plan.*

#### GENERAL COMMENTS

26. The applicant shall provide background information and assumptions for the preparation of the Existing Conditions Plan and include all areas subtracted to obtain the total design area.

*Response: Plan sheet 2 is the existing features plan. The information requested is on sheets 12 in the tract area calculation.*

27. The Applicant shall coordinate with the Township Engineer during land development to select the 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 such as phosphorous reduction in the watersheds.

*Response: Though not required, the applicant is open to discuss the above.*

28. The applicant should revise the plans to provide a table of all proposed items to be offered for dedication to the Township and all items to be owned and maintained by the proposed homeowners' association.

*Response: The roads are to be offered for dedicated to the Township; the water to Aqua PA, and the sewer to the Township. The balance of common areas will be owned and maintained by the HOA.*

29. The applicant must address all concerns expressed by the Police Chief.

*Response: Responses to the Police Department comments dated October 3, 2019 are included within this letter.*

30. The applicant must address all concerns expressed by the West Chester Fire Chief.

*Response: The applicant has not received comments from the West Chester Fire Chief.*

31. The applicant should consider providing area and bulk regulations depicting setback restrictions for each individual lot for future construction.

*Response: Area and Bulk regulations are shown on plan sheet 12 of 70.*

Carroll Engineering, October 3, 2019:

#### ACT 537 PLANNING

The 2001 Act 537 Plan and 2005 Addendum designate Crebilly Farm to be served by a new community system, which would be separate from the West Goshen Township drainage area. Act 537 planning for this area has not been updated since 2005. As noted, the CU application indicates the project will use an on-site wastewater treatment plant with drip irrigation for disposal.

We believe an on-site treatment plant was included in the CU application, because our September 20, 2016 letter indicated that the current Act 537 planning shows that Westtown does not own sufficient capacity in the West Goshen Wastewater Treatment Plant (WGWWTP) to provide public sewer service to Crebilly Farm.

Current Act 537 planning summarizes projected flow to the WGWWTP at 521,500 GPD. Westtown currently owns 530,000 GPD of capacity at WGWWTP. Based on current Act 537 planning, on paper there is no surplus capacity at the West Goshen Plant. We believe the shortfall of capacity at WGWWTP is easily overcome as part of the planning module submission for Crebilly Farm. The projections in the current Act 537 planning include flow within the current West Goshen Township drainage area (5,500 GPD), and the Route 202 Study Area (134,000 GPD) for a total of 139,500 GPD. Flow projections also included a 20% contingency, so total projected flow is 167,400 GPD.

Since implementation of the Sewage Management Program, sewerage the Route 202 Study area is now considered to not be necessary. Therefore, the Route 202 Study Area flow of 160,800 GPD (134,000 GPD \*1.2) can be removed from future flow projections as part of the planning for Crebilly Farm, which will become part of Westtown's Official Plan. This leaves sufficient capacity available in the WGWWTP for wastewater flow from Crebilly Farm.

#### PUBLIC SEWER OPTION

We recommend that public sewer service be used for Crebilly Farm. Public sewer service will be beneficial to the Township for several reasons. Among them are use of existing surplus capacity at WGWWTP; and expansion of the customer base to mitigate future rate increases.

Westtown currently owns surplus capacity in the WGWWTP. Township flows have been well under their capacity for some time, and we expect that this will continue in the future. If treatment capacity is considered a Township asset, then public sewer service for Crebilly Farm will allow this asset to be more fully used. Tapping fees will allow the Township to recover the cost of capacity which has already been paid.

The addition of sewer customers from Crebilly Farm will broaden Township's sewer customer base. As sewer system expenses increase over time, expenses can be spread over a larger customer base allowing the Township to mitigate any future rate increase.

#### SEWER CONVEYANCE OPTIONS

Wastewater from Crebilly Farm would be conveyed to the existing sewer system east of Wilmington Pike by constructing a sewage pump station in the same location as the proposed on-site wastewater treatment plant. The pump station would have a capacity of 225 gallons per minute (GPM). The most direct connection point to the existing sewer system is in Piedmont Drive at the intersection of Wilmington Pike. From that location, wastewater would flow by gravity through the Pleasant Grove sewer system to the Pleasant Grove Pump Station and then be pumped to the WGWWTP.

We have evaluated the capacity of the existing sewer system to PGPS, and although we are still confirming flows from areas north of East Pleasant Grove Road, it appears that the sewers from Dalmally Drive to Tower Course Drive will not have sufficient capacity for the flow from Crebilly Farm and must be replaced. This covers approximately 4,000' of sewer some of which is in easements on private property, or crosses Township open space. This would be a major disruption to residents in the neighborhood, and other options should be investigated before proceeding with replacement of the existing sewers.

A less disruptive option would be to pump wastewater from Crebilly Farm east in Street Road to Tower Course Drive. From that location to PGPS, the sewers should have sufficient capacity for the additional flow from Crebilly Farm.

Wastewater generated at Crebilly Farm will double the current flow to the pump station necessitating a capacity expansion of the PGPS. The details of the capacity expansion will need to be resolved as part of the land development review process for Crebilly Farm.

## CONCLUSION

The actual details of the sewer system and pump station at Crebilly Farm will matter in our final recommendations. However, we believe the best option for sewage disposal for Crebilly Farm is public sewer service with wastewater treatment at the West Goshen Wastewater Treatment Plant. This option is a benefit to the Township by more fully utilizing wastewater capacity at the West Goshen Plant that the Township has already paid for and broadens the sewer customer base so the Township can better manage any future sewer rate increase.

***Response: In the event the Township updates the Act 537 plan to place the property in the public sewer service area and DEP approves, the applicant will pursue public sewer approval for the development. Specifics of the sewer conveyance design criteria are to be determined during land development.***

Cedarville Engineering, October 3, 2019:

Surface Water Quality

Westtown Township has a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit that requires the implementation of Best Management Practices (BMPs) to address surface water quality goals, beginning in 2003. The basis of the permitting requirements administered by the Pennsylvania Department of Environmental Protection (PA DEP) is authorized by the Federal Clean Water Act of 1972 and supported further by the Pennsylvania Clean Streams Law.

The permit requires the Township to reduce siltation (i.e. sediment) to the streams listed below by ten (10) percent over a five (5) year period through the implementation of a Pollutant Reduction Plan (PRP) as required by the NPDES MS4 permit program upon issuance of their final Individual NPDES MS4 Permit, in addition to addressing the Goose Creek Total Maximum Daily Load (TMDL) for phosphorous. The Township has received draft Individual NPDES MS4 permit approval in a letter from the Pennsylvania Department of Environmental Protection (PA DEP) dated September 16, 2019; final approval is anticipated by the end of 2019.

- Radley Run
- Chester Creek
- Plum Run
- East Branch Chester Creek
- Hunters Run
- Ridley Creek

The Township Stormwater Management Ordinance allows the Township to require additional stormwater control measures for discharges to impaired streams as per the excerpt below.

*§ 144-301.P(1) & (2) - Additional water quality requirements. The municipality may require additional stormwater control measure for stormwater discharges to special management areas, including but not limited to: Water bodies listed as "impaired" by PADEP., and any water body or watershed with an approved total maximum dial load (TMDL), specifically Goose Creek Watershed. Total phosphorus is the assigned TMDL pollutant to Westtown Township within the Goose Creek Watershed. As such the Township may require additional phosphorus-reducing measures for regulated activities within the Goose Creek Watershed, including but not limited to: rain gardens/ bioretention., constructed wetlands, permeant compost filter sock, and/ or water quality inlet filter.*

The vast majority of the site is located within the Radley Run watershed, with a very small portion of the western side of the site located within the Chester Creek watershed. A portion of Radley Run and several unnamed tributaries to Radley Run flow through the site. Radley Run and its tributaries are listed on the 2014 Section 303(d) List as impaired due to siltation and water/flow variability from urban runoff/storm sewers and agriculture.

Table 1. Radley Run Impairments

Cause of Impairment	Source of Impairment
Siltation	Urban Runoff/Storm Sewers
Siltation	Agriculture
Water/Flow Variability	Urban Runoff/Storm Sewers

Stormwater management is proposed to meet the minimum Ordinance requirements primarily through the installation of infiltration basins, intended to attenuate the volume of the 2-year storm and, for storm frequencies greater than the 2-year, only rate control is considered. Any proposed development will contribute to the further



impairment of the Radley Run and Chester Creek watersheds.

There are several BMPs that can reduce sediment, both improving surface water quality and aiding the Township to meet its regulatory requirements in the Pollutant Reduction Plan (PRP). BMPs that would be most applicable to this development include stream restoration and forested riparian buffer, both of which are described in more detail below.

- Stream Restoration – The PA DEP BMP Effectiveness Values Table (Rev. 6/2018) describes this BMP as “an annual mass nutrient and sediment reduction credit for qualifying stream restoration practices that prevent channel or bank erosion that otherwise would be delivered downstream from an actively enlarging or incising urban stream. Applies to O to 3rd order streams that are not tidally influenced. If one of the protocols is cited and pounds are reported, then the mass reduction is received for the protocol.”

According to the PA DEP BMP Effectiveness Values Table, the net reduction of pollutants for this BMP are: 44.88 lb./ft. of stream bank/year of sediment.

There is approximately 17,000 linear feet (LF) of stream on the site (appx. 4,000 LF of Radley Run and 13,000 LF of tributary stream sections). While some reaches are stable, there are many reaches that exhibit severe bank erosion and scour. These streams should be assessed for appropriate restoration opportunities. Any stream restoration activities would have significant positive impacts on water quality and meet the goals of its PRP.

- Forested Riparian Buffer – An area of trees at least 35 feet wide on one side of a stream, usually accompanied by trees, shrubs and other vegetation that is adjacent to a body of water. The riparian area is managed to maintain the integrity of stream channels and shorelines, to reduce the impacts of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals. Effectiveness credit for TN is for 4 upslope acres for each acre of buffer (4:1), and 2 upslope acres for TP and sediment (2:1). Additional credit is gained by converting land use from current use to forest. (Note - the values represent pollutant load reductions from stormwater draining through buffers). Per the PA DEP BMP Effectiveness Values Table, a forest buffer will provide a 50% reduction in sediment for these areas.

Per the Overall Open Space Plan dated August 9, 2019, it appears that a buffer is proposed to be maintained as “Natural Areas” around the existing streams and wetlands. The applicant should explore ways in which to enhance the proposed buffer with trees and shrub plantings for creating a minimum 35-foot forested riparian buffer around the streams.

However, this option is less favorable as it will not achieve the same level of sediment reduction per linear foot of stream as stream restoration. Proposed riparian buffer enhancement may also reduce/prevent the opportunity or incentive for future stream restoration projects in this location.

We request the Township consider requiring the applicant to implement stream restoration for this proposed development by Conditional Use. Stream restoration will prevent the further impairment of Radley Run, provide surface water quality benefit, and address the Pollutant Reduction Plan (PRP) requirements. The applicant would be required to conduct a stream assessment and complete a restoration design, including applying for and obtaining the necessary PA DEP permits, and construct the project.

The increase in density, change in land cover, and impact of urban/suburban and human activity on the landscape will continue to increase the Township’s burden for water quality and quantity mitigation unless projects are designed specifically to address those concerns and obligations. This project offers an opportunity for the partnering with the development community that has historically impacted water resources to be part of the solution and the Township MS4 Program moving forward.

*Response: This section is not applicable to the Conditional Use review process, which does not require fully engineered design of the stormwater management facility.*

## Stormwater Management

### Chapter 170 - Zoning:

1. § 170-904.A.(3)(c)[1] - Stormwater management facilities shall be designed to optimize the capture of stormwater at the sources of generation, maximize recharge to the subsurface groundwater system and minimize discharge to surface water flow.

The following information has not been provided and must be submitted to support the size and configuration of the proposed stormwater management facilities as shown, and to demonstrate that the proposed facilities will sufficiently meet the criteria listed above:

- Stormwater hydrographs shall be provided for all storms included in the report to support the basin design.
- Time of concentration worksheets for all post development storms are missing and must be provided.
- Infiltration testing must coincide with the area of the proposed stormwater management BMPs. As outlined below, there are several basins where testing locations need to be adjusted, and several others where no testing has been performed.
- Infiltration testing needs to be performed at elevations which coincide with the infiltration elevation of the basin. As noted below, there are numerous basins where testing has occurred substantially above the infiltration portion of the basin.

The above information will need to be provided to confirm that the size and configuration of the proposed basins are accurate, and that encroachment into the riparian buffers and sewage effluent disposal areas will not be required.

*Response: This section does not apply. A density bonus is not being requested.*

2. § 170-904.A.(3)(c)[2] - Collectively, in addition to compliance with the design criteria for stormwater management set forth in chapter 149 of the Code of the Township of Westtown, the design of stormwater management facilities across the tract subject to flexible development shall result in groundwater infiltration of stormwater equal in volume to the incremental increase of the two-year storm, predevelopment to post development. For purposes of calculations, the predevelopment volume of the two-year storm predevelopment land conditions shall be assumed to be woodland-good for any area predominantly under cover of the trees and meadow-good for any other area, regardless of actual cover conditions. The applicant shall be required to submit soil percolation test results and other credible evidence including a maintenance program satisfactory to demonstrate long-term feasibility of required groundwater infiltration. Where groundwater infiltration of the full incremental volume of the two-year storm is not practicable, the Township may require employment of other means to mitigate potential groundwater impacts.

Updated soil percolation testing must be performed to support that the infiltration basins will function at the elevations shown on the plan. Elevating the basins to conform with the testing elevations may affect the required grading and require proposed disturbance within the effluent disposal and riparian buffer areas.

*Response: This section does not apply. A density bonus is not being requested.*

3. 170-905.A.(2) - Finished Topography: The finished topography of the site shall adequately facilitate the proposed development without exceeding earthmoving tree clearing, or destruction of natural amenities. Natural features such as lakes, streams, and wooded slopes shall be preserved and incorporated into the final landscaping of the development where possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction.

The grading as currently shown is incomplete and is only shown within the proposed roadway rights-of-way and at each stormwater management facility. Proposed grading shall be shown throughout the entire site, including the areas of the proposed dwellings, to demonstrate compliance with this section of the Ordinance and to confirm that no disturbance shall be required within the riparian buffers or sewage effluent disposal areas.

***Response: The LOD as shown on the plans meets the requirements of section 170-2009.B(3). Disturbance in the riparian buffer is allowed by the Zoning Ordinance.***

4. § 170-905.A.(5) - Erosion and sedimentation control: An erosion and sedimentation control plan shall be filed and implemented in accordance with the regulation of the Pennsylvania Department of Environmental Protection and the requirements of Chapter 149, Subdivision and Land Development.

An Erosion and Sedimentation Control Plan shall be provided to ensure proposed erosion and sedimentation control facilities will not require encroachment into the riparian buffer and sewage effluent disposal areas.

***Response: The LOD, per section 170.2009.B(3), shows areas permitted and allowed to be disturbed per zoning ordinance, including buffer crossings and sewage effluent areas.***

Chapter 149 - Subdivision and Land Development:

5. § 149-803.8(1)) - General requirements. For all subdivision and land development proposal, a stormwater management plan and report shall be submitted containing, but not limited to the following:
- (e) A plan of the grading of the subject subdivision or land development
  - (f). A plan of the erosion and sedimentation procedures to be utilized.

The referenced information shall be provided to as referenced above.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

6. § 149-803.8(3) - The stormwater management plan shall consist of written material, calculations, and topographic plan drawn to the same scale as the preliminary and/or final plan. The stormwater management plan shall include, but not be limited to: Storm Sewer System.
- (a) Storm sewer design shall meet the requirements of Penn DOT 408 Standards.
  - (f). Calculations shall be provided to show the flow in the system, pipe size, allowable flow, and velocity

Storm sewer and inlet locations along with supporting calculations must be provided to confirm the post development drainage areas as shown on the Post Developed Drainage Area Plan, Sheet 2 of 2. Invert elevations shall be provided to confirm that runoff can be adequately conveyed to the facility in which it was intended.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

7. § 149-803.8(4) - The stormwater management plan shall consist of written material, calculations, and topographic plan drawn to the same scale and the preliminary and or/ final plan. The stormwater management plan shall include, but not be limited to: Detention/ retention basins. All basins shall be constructed to include, but not be limited to, the following standards:
- (a) Berm construct of earth of a clay base with no topsoil and a cutoff trench key continuous along the berm base.
  - (b) The top of the berm shall be a minimum of 10 feet. The sides shall have a maximum slope of three horizontal to one vertical (3:1)
  - (d) The riser shall be precast concrete, box inlet or equivalent with grate top and shall be built into the berm wherever possible.
  - (e) The barrel shall be concrete pipe with anti-seep collars with a minimum projection of two feet beyond the pipe.
  - (f). Emergency spillway shall be constructed of concrete/ grass pavers. Pavers shall extend down the basin slopes at the spillway location.
  - (g) Basin barrel outfall shall have an end wall or flared end section with properly design riprap or energy dissipaters.

The referenced information shall be shown on the plan as applicable, to confirm that encroachment into the riparian buffer and sewage effluent disposal areas is not required.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

Chapter 144 - Stormwater Management:

8. § 144-301.G - For regulated activities with one acre or more of proposed earth disturbance, existing drainage peak rate discharges up to and including the one-hundred year storm onto or through adjacent properties or down-gradient properties, including diffuse drainage discharge, shall not be altered in any manner without written permission from, and where applicable as determined by the municipality and easement agreement with , the affected landowner(s) for conveyance of discharges onto or though their property(ies). Such discharge shall be subject to any applicable discharge criteria specified in this chapter.

Basin C-1 proposes discharge overland and through properties located on the east side of Wilmington Pike, prior to being conveyed to Walton's Run. Executed easements or other written documentation as deemed acceptable by the Township Solicitor will need to be provided from the affected landowners.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

9. § 144-301.J - For all regulated activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated activity (i.e. during construction) as required to meet the purposes and requirements of this chapter, to meet the erosion and sediment control requirements of the municipality, if applicable, and to meet all requirement under Title 25 of the Pa. Code and the Clean Streams law.

Erosion and Sedimentation Control facilities shall be shown on the plan to confirm that encroachment into the riparian buffers and sewage effluent disposal areas is not required.

*Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.*

10. § 144-301.K - For all regulated activities, permanent BMPs and conveyances shall be designed, implemented, operated, and maintained to meet the purposes and requirement of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams law, and the Stormwater Management Act.

Post Construction Stormwater Management Plans must be provided along with supporting calculations which confirm that the water quality / runoff volume requirements, infiltration requirements, and stream channel protection requirements referenced in Sections 144-305 through 307 can be met for watersheds A-D. Additional BMPs will be required if the referenced criteria cannot be met, which has the potential to increase disturbed area and possibly affect the riparian buffer and sewage effluent disposal areas.

*Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.*

11. § 144-301.Q - Applicants shall utilize the Pennsylvania Stormwater Best Management Practices Manual (PA BMP Manual), as amended, or other sources acceptable to the Municipal Engineer, for testing and design standards for BMPs, and, where there is a conflict with the provision of this chapter, the most restrictive applies.

Infiltration testing and BMP design shall comply with the Pennsylvania Best Management Practices Manual, Appendix C. Upon review of the test pit location reference on the plans and the depth of testing referenced in Section 7 of the report, there are numerous discrepancies between the elevation of the infiltration test and the bottom of the corresponding basin. Examples of these discrepancies include:

- Basin A5 vs. Test Pit #3 - The bottom of the basin (elev. 314) is approximately 8.5 feet lower than the elevation tested (elev. 322.5), per the testing locations shown on the Drainage Area Plan.
- Basin A6 vs. Test Pit #1 - The bottom of the basin (elev. 296) is approximately 10 feet lower than the elevation tested (elev. 306), per the testing locations shown on the Drainage Area Plan.
- Basin A7 vs. Test Pit #12 - The bottom of the basin (elev. 262) is approximately 9 feet lower than the elevation of the infiltration test (elev. 271.5), per the testing locations shown on the Drainage Area Plan.

In addition, all testing shall occur within immediate vicinity of each proposed basin. Additional testing shall be required for Basins A-4, A-5, A-9, and A-10, as the plans currently do not show test pit locations in these areas.

The above will require redesign of the BMP facilities as shown and will potentially require enlarging and reconfiguration of these facilities, which may result in encroachment within the riparian buffers and sewage effluent disposal areas.

*Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.*

12. § 144-301.U - Riparian Buffer:

- (1) Where a development site is traversed by perennial or intermittent watercourse, riparian buffers shall be provided conforming to the line of such watercourses. The riparian buffer shall be created to extend a minimum of 75 feet to either side of the top of the bank of the channel, unless a wider riparian buffer is required by the provisions of the Pennsylvania Code Chapter 102, as amended, in which case the greater of the two shall apply.
- (2) If the applicable rear or side yard setback is less than 75 feet, the buffer wide may be reduced to 25 feet

of the setback to a minimum of 10 feet. If an existing buffer is legally prescribed (e.g., deed covenant, easement, etc.) and it exceeds the requirement of this chapter, the existing buffer shall be maintained.

- (3) The buffer shall be maintained with appropriate native vegetation as defined in the appendices of the Pennsylvania Stormwater Best Management Manual, dated December 30, 2006. Excavating, placing fill, building structures, or making any alterations that may adversely affect the flow of stormwater within any portion of the riparian buffer shall be prohibited unless the proposed work is associated with a regulated wetlands mitigation program.
- (4) The buffer must be defined through a deed restriction.
- (5) The riparian buffer shall be built in accordance with Section 170-407 of the Westtown Township Zoning Ordinance.

The following information shall be provided on the plan:

- Riparian buffers as referenced above shall be included within a defined easement where the buffer encroaches within the area of a building lot.
- Site grading shall be completed to include all areas surrounding the proposed buildings to demonstrate that disturbance to the riparian buffers will not be required.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

13. § 144-305.A -The post-construction total runoff volume shall not exceed the predevelopment total runoff volume for all storms equal to or less than the two-year, twenty-four-hour duration precipitation (design storm). The water quality and runoff volume to be managed shall consist of any runoff volume generated by the proposed regulated activity over and above the predevelopment total runoff volume and shall be captured and permanently retained or infiltrated on the site. Permanent retention options may include, but are not limited to, reuse, evaporation, transpiration, and infiltration.

The report currently is lacking information to support compliance with the referenced section. Along with any redesign that may be required based upon the above referenced comments pertaining to infiltration testing, information must be provided to support compliance with the above, to include at a minimum NOI Appendix D Worksheets 4 and 5, complete for all watersheds. Without this information, it cannot be determined whether the facilities as shown are of proper size and volume, and whether these facilities may need to be enlarged and reconfigured.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

14. § 144-305.E - Water quality improvement shall be achieved in conjunction with achieving the infiltration requirements of § 144-306. The infiltration volume required under § 144-306 may be included as a component of the water quality volume. If the calculated water quality and runoff volume is greater than the volume infiltrated, then the difference between the two volumes shall be managed for water quality and runoff volume control through other techniques or practices but shall not be discharged from the site.

Additional BMPs will be required for all excess water quality runoff not adequately infiltrated, as may be required for Watersheds A-D. NOI Appendix D Worksheets 4 and 5 shall be provided for Watersheds A-D to confirm compliance.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

15. § 144-305.H - When the regulated activity contains or is divided by multiple drainage areas, the water quality and runoff volume shall be separately addressed for each drainage area.

§ 144-306.G - When a project contains or is divided by multiple watersheds, the infiltration volume shall be separately addressed for each watershed.

Applicable NOI Appendix D Worksheets shall be provided for Watersheds A-D.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

16. § 144-306.J - Infiltration BMPs shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- (1) A minimum depth of 24 inches between the bottom of the BMP and the top of limiting zone. Additional depth may be required in areas underlain by karst or carbonate geology (See 144-306N).
- (3) The infiltration facility shall completely drain the retention (infiltration) volume within three days (72 hours) from the end of the design storm.

The stormwater report shall include supporting information demonstrating compliance with the above criteria.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

17. § 144-306.K(4) - All infiltration practices shall be consistent with the protocol written in the Pennsylvania Stormwater Best Management Practices Manual, December 2006 or latest version thereof.

The proposed design shall reflect the following criteria to ensure proper sizing and configuration of the proposed stormwater management facilities: CEG recommends utilizing BMP Stormwater Chart 5.8 for clarity:

- Infiltration rates for each facility, with safety factor of 2 applied.
- Facility dewatering time, demonstrating that the BMP will dewater between 24 and 72 hours.
- Elevation of limiting zone and corresponding elevation of infiltration facility, verifying that a minimum distance of two feet is maintained between the respective elevations.
- Impervious and Total Drainage Area Loading ratios, indicating that respective 5:1 and 8:1 ratios are maintained.

***Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.***

18. § 144-307.B - To the maximum extent practicable, and unless otherwise approved the Municipal Engineer, the post- construction one-year twenty -four hour storm flow shall be detained for a minimum of 24 hours and a maximum not to exceed 72 hours from a point in time when the maximum volume of water from the one-year twenty-four hour storm is stored in a proposed BMP (i.e., when the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e. the invert of the orifice at the invert of the proposed BMP).

Supporting calculations shall be provided for each BMP demonstrating that the facilities will dewater within the referenced timeframe. If sufficient dewatering cannot be achieved, additional BMPs may be warranted which potentially may require expansion of the site disturbed area and encroachment within the riparian buffer and

sewage effluent disposal areas.

*Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.*

19. § 144-309.A - Post-construction peak flow rates from any regulated activity shall not exceed the predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1:

Per the referenced Table 308.A, post-development flow shall be reduced to equal or less than pre-development flows for storms of 5-100-year frequency, with the post development 2-year frequency storm reduced to equal or less than a 1-year post development frequency storm. The following revisions and/or clarifications shall be provided to support the size and configuration of the stormwater facilities as shown, and to confirm that expansion into the riparian buffer and sewage effluent disposal areas is not required:

- Hydrographs must be included for all pre and post development storms to support the flow values referenced in Section 2 of the Report.
- Allowable post development flow for the 2-year frequency storm, for each drainage area point of interest, shall be determined by adding the peak flows of each subarea within the watershed. As a result, the 2-year post development flows exceed the respective 1-year frequency predevelopment flows for watersheds A-D and therefore do not comply with the referenced section of the Ordinance. Stormwater management design shall be revised accordingly.
- The time of concentration flow path associated with predevelopment Drainage Area A will need to be extended to encompass the entire watershed, with the flow path beginning at the eastern end of the watershed. This will result in a decrease of pre-development flow values for the storm.
- Time of concentration worksheets must be provided for all post development flow and shall be incorporated into the hydrographs to be provided with the report. Only pre-development worksheets are currently included.
- A Manning's n-value of 0.24 (dense grass) shall be used to compute Sheet Flow travel time, rather than the 0.17 (cultivated soil) value used, to be consistent with pre-development meadow condition as required by Ordinance.

*Response: This section is not applicable to the Conditional Use review process but will be addressed during land development.*

32. § 144-309.0(3) - The following additional ground cover assumption shall apply to regulated activities within the Chester Creek Watershed

- (b) For the purposes of predevelopment flow rate determination, undeveloped land shall be considered as "meadow" good condition, type "B" soils (RCN=58, Rational "C"=0.12) unless the natural ground cover generates a lower curve number or Rational "C" value (i.e. forest). If a proposed development meets the definition of redevelopment as defined in this chapter, the applicant may adjust the predevelopment RCN of "C" value based on the curves presented in Figure B-3.

The runoff curve number calculation for Pre-Developed C1 shall be revised to include all Meadow area as Type B with a CN value of 58. Proposed Basin C may need to be enlarged and reconfigured to meet this requirement; updated grading of the basin shall be required to ensure it will not encroach within the upslope sewage effluent disposal area.

*Response: This is a land development requirement. However, for purpose of demonstrating general feasibility of stormwater management during conditional use, the calculations for the Chester Creek Watershed have been updated per the above comment. Please see the calculations that are included with this submission.*



Police Department, October 3, 2019:

TRAFFIC CONCERNS:

1. **TRAFFIC CALMING DEVICES:** A significant amount of traffic travels on Route 202 in Westtown Township. Traffic backlogs frequently occur, particularly between Skiles Boulevard and Route 926, and many motorists subsequently utilize side streets to circumvent the traffic. The connector road in the proposed development creates the potential for vehicles to exit at the Skiles Boulevard jug handle and travel in a relatively unimpeded manner through multiple residential neighborhoods to the intersection of Bridlewood Boulevard and Rt. 202. The police department is confident that this traffic pattern will result in a substantial increase in traffic complaints in both Westtown and Thornbury Townships and a potential increase in crashes.

Although the engineering study considered the current pattern of crashes, it is important to note several items:

- The crashes included in the calculation were only reportable crashes (i.e., involving injury or vehicle damage which necessitated towing); this calculation was conducted because only reportable crashes are reported to PennDOT while non-reportable crashes are not. The distinction is important because only approximately 31.4% of the crashes that the department responded to between 2016 and 2018 were reportable. Based upon these statistics, any increase in reportable crashes will likely result in a proportional increase in all types of crashes - impacting Westtown Township's costs for police services.
- The examination of crashes is based upon current traffic patterns. By substantially increasing the traffic on roadways that currently experience limited traffic, it is difficult to predict the crash trends with any reliability.

RECOMMENDATIONS:

- Consideration should be given to the installation of traffic calming devices such as islands, chicanes, etc. (excluding speed humps or bumps) at the entries to the development. Specifically, traffic calming devices should be installed at the following entrances to the development: Road K (at W. Pleasant Grove Road), the Collector Road (at W. Pleasant Grove Road), and the Route 926 entrance.
- Additionally, consideration should be given to installing at least one additional traffic calming device along the length of the Collector Road. These device(s) would slow speeds and help to prevent the occurrences of crashes involving residents of the development attempting to exit/enter the Collector Road.
- Although this development will be contained in Westtown Township, it is extremely likely that the traffic patterns for the residential neighborhoods in Thornbury Township (along Bridlewood Boulevard) will be impacted and therefore, attempts to include traffic calming devices for that roadway should be strongly considered.

***Response: The applicant is open to discussing these items during the Land Development Process.***

2. **ACCESS TO DEVELOPMENT FROM W. PLEASANT GROVE ROAD:** At the current time, southbound traffic from Route 202 turning on to W. Pleasant Grove Road utilizes the paved portion of the roadway to the right of the fog line as a "shoulder" to execute the turn. The shoulder at its widest point is nine feet and the nine foot width is only present for a short distance before W. Pleasant Grove Road.

Although it appears that the development proposal includes a right turn lane for the development, this improvement cannot be overemphasized. Currently, there are 46 residences along W. Pleasant Grove Road (13 on Pleasant Grove Road and 33 on Hidden Pond). By adding an additional 317 residences, the volume of traffic

will certainly increase. However, it should also be noted that the additional residences will also specifically result in additional commercial vehicle traffic: trash removal, school buses, landscaping services, delivery of goods, etc. Since the development will increase the amount of traffic turning on to W. Pleasant Grove Road, including commercial vehicles, there is a potential for it to create more crashes due to its current design.

RECOMMENDATIONS:

- Consideration should be given to widening and lengthening the shoulder on southbound Route 202 approaching W. Pleasant Grove Road. The widening will reduce the likelihood that vehicles turning on to W. Pleasant Grove Road will encroach into the straight-through lanes of vehicles traveling at 45 mph or higher.
- Since PennDOT does not currently recommend the use of deceleration lanes, the police department's prior recommendation to create one at this location is unlikely to be approved by PennDOT. However, it is important that vehicles (particularly large commercial vehicles) need to have an adequate distance and space to move their vehicles completely out of the traffic lane - particularly based upon the fact of the slight grade that occurs prior to W. Pleasant Grove Road.
- Based upon these concerns, it is recommended that the right turn lane commence at the jug handle at Skiles Boulevard and continue to W. Pleasant Grove Road to permit vehicles to properly decelerate and move completely out of the travel lane.

***Response: The applicant will discuss the above comment with PADOT during the Land Development Process. The applicant proposes a 225' long right turn lane on Rt 202 and West Pleasant Grove Road.***

3. INTERSECTION OF S. NEW STREET AND W. PLEASANT GROVE ROAD: The proposed development will result in an increased overall volume at the intersection. In particular, it is highly likely that there will be an increase in vehicles attempting to turn left from Pleasant Grove onto S. New Street. These changes will create a potential for an increase in crashes due to the current speed limit on S. New Street (35 mph) and the crest of the hill on S. New Street that is south of the development.

RECOMMENDATION:

Consideration should be given to controlling the intersection of S. New St. and W. Pleasant Grove Rd. through either a traffic light or a 3-way stop sign.

***Response: Per the traffic study, a traffic light is not warranted at this intersection. The installation of a stop sign is to be determined by PennDOT and the Township during the Land Development Process.***

4. PLEASANT GROVE ROAD: It is anticipated that the proposed development will result in a significant increase in heavy vehicles (school buses, delivery vehicles, garbage trucks, and other commercial vehicles accessing the development) and these vehicles will in all likelihood travel on W. Pleasant Grove Road.

RECOMMENDATIONS:

An engineering study should be conducted to:

- determine if the roadway can handle the increased frequency of commercial vehicles and their associated weights.
- determine if the width of the roadway is adequate for large vehicles to safely travel, particularly if moving

in opposite directions.

- determine if the length of vehicles may need to be restricted due to the intersection of S. New St. and the ability of vehicles of length to be able to turn without encroaching into other lanes.

*Response: The applicant has no objections to widening and improving the half section of West Pleasant Grove Road along the property frontage in accordance with Township standards and specifications during the Land Development Process.*

5. INTERSECTION OF PLEASANT GROVE. DUNVEGAN DRIVE. AND ROAD K: The proposed development plan indicates that Road K, an access road, will be constructed at the current intersection of W. Pleasant Grove Road and Dunvegan Drive. Due to the increased volume and anticipated increase in speeds on Pleasant Grove Road, there is the potential for an increase in crashes due to sight-line issues.

RECOMMENDATION:

The intersection should be examined to determine the need for a 4-way stop.

*Response: The plans propose an additional stop sign will be provided on Road K only. Dunvegan Drive has an existing stop sign.*

6. RT. 926, COLLECTOR ROAD. S. NEW STREET: Although the proposed plan appears to indicate that a traffic signal will be placed at the intersection of the Collector Road and Rt. 926, it is the police department's opinion that the signal is critical. Currently, the traffic backs up on Rt. 926 in the area of Bridlewood Boulevard; the increase in traffic volume will exacerbate the issue and effectively gridlock the area.

Additionally, the proposed plan will likely result in increased volume on S. New Street which will also exacerbate the traffic conditions during rush hour.

Consideration should be given to conducting traffic light studies that would examine how traffic flow can be maximized in this area. For example, the studies could examine whether a staggered green light for southbound S. New Street improve or worsen congestion.

*Response: The applicant will discuss the above comment with PADOT during the Land Development Process. The applicant is proposing a traffic signal at the Rt 926 and Collector Road intersection.*

John D. Snook, October 3, 2019:

Written Narratives.

Will notes the lack of written narratives to adequately describe how the information provided has been used to influence the Plan. Toll argues that the Ordinance does not specifically require "written narratives." How does one assume from plan sheets how the information has been used without a narrative?

In fact, §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*

The Planning Commission may certainly ask the Applicants to demonstrate how the information presented was used to inform the planning process!

*Response: A written narrative is not required. The plans depict the analysis in both graphic (picture) and written (tabular) form.*

National Historic Landmark.

§170- 905.A.(1) U) requires the indication of "Historic resources, including structures, sites, traces, and relationship to the bounds of any National Register historic district." Not only have they not identified "sites and traces," Toll argues that the Brandywine Battlefield National Historic Landmark is not on the property and does not need to be mapped nor analysis of impact to be provided. The ordinance does not say "on the property," it says "relationship to." The National Landmark is part of the National Register (NR) and is, in fact, a superior designation to a regular NR Historic District. The National Landmark's formal boundary has not been altered in 50 years, despite continuing study of a larger area by the National Park Service, which administers the National Register. But even the old formal boundary does directly adjoin Crebilly Farm on New Street and Street Road, PA 926. The formal Study Area used by the National Park Service includes most if not all of Crebilly Farm.

*Response: The Brandywine Battlefield National Historic Landmark is not located on the property. Therefore, none of the on-site structures have a relationship to the Brandywine Battlefield National Historic Landmark.*

Scenic Views/Scenic Landscapes.

§ 170-905.A(1), "Site Analysis," also requires inventory of:

- (l) *Scenic views.*
- (m) *All lands visible from any adjacent public road. Visibility shall be measured as viewed from a height of four feet above the surface of the road looking in any direction or angle across the subject property and shall be based on winter conditions (whether actual or estimated at the time of inventory) when existing vegetation offers the least obstruction of view. Areas predominantly obscured from view may be excluded from inventory of visible lands subject to Township approval*

§ 170-1617.C(1)(c) requires inventory of:

- (c) *Other important existing resources on the site shall be added to the map including woodlands, tree lines,*

*large specimen trees over 18 inches in trunk diameter scenic views from inside the site, ridge/ines, and scenic views from existing streets and trails These resources are known as "secondary conservation areas" The Planning Commission may require the identification of scenic views beyond those identified by the applicant. This map, or an accompanying map shall also show: . . .*

§ 170-1617.C(2) (part) requires:

*Potential development areas also shall be delineated so as to minimize intrusion into secondary conservation areas 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*

§ 170-2009.8(1) further states that

*It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this section and with any other relevant stipulations of this chapter and to indicate means by which potential impacts from the proposed use will be mitigated*

Toll has argued that "scenic views" are "not applicable" and has stated that on multiple plan sheets. In requiring identification of scenic views as "secondary conservation resources," with the provision that at up to 50% of secondary resources could be disturbed, it was clearly the intent of the zoning text to see scenic views mapped upon the landscape, even though there was no specific text definition of "scenic views." A response of "not applicable" is clearly inadequate, especially in the context of the new Comprehensive Plan (see below). How can 50% or any area be measured if not mapped?

The Applicant did choose to identify "views from adjacent roadways " via an arrow along the road frontage and a photograph, but did not map the area in the view, nor include any proposed means to assess nor mitigate impacts.

The Board is required to consider design measures proposed by the applicant to mitigate any environmental, aesthetic, or other community impacts resulting from land disturbance within "secondary conservation areas." There is no indication that the overall plan has been designed, nor the locations of house sites and other land disturbance have been selected or designed, nor that any mitigation has been proposed, in respect of secondary conservation areas, since scenic views, a key component, have been ignored.

It is important to note, as this process moves forward with the Planning Commission, that §170-1617 .C(1)(c) specifically notes that " The Planning Commission may require the identification of scenic views beyond those identified by the applicant."

§170-906 and §170-1617 make it quite clear that the Conservation Design process and review of any Flex Development proposal is intended to be undertaken cooperatively with the Planning Commission, to ensure that community conservation objectives contribute to ultimate development design. While the Ordinance infers that the Applicant should engage the Planning Commission prior to formal submission, that is not explicitly stated, and it is understandable that the Applicant would want to start the process with a formal submission in order to protect their standing. Nevertheless, it is very important that cooperative engagement with the Planning Commission to fine-tune the Conservation Design process occur NOW during the scheduled Planning Commission

meetings, a process which did not adequately occur the last go-round. Such a process can result in a revised Plan that can be submitted to the Board that reflects mutual Township and Applicant objectives.

***Response: The applicant supplied photos from all applicable public roadways. The term “scenic views” is subjective and does not apply. The applicant has designed plan in accordance with 1617 of the zoning ordinance.***

#### Other Key Plan Issues

The Plan shows reasonable density calculations while leaving some uncertainty as to measurement of resources that must be netted out of density calculations as noted in Will Ethridge's completeness review.

§ 170-2009.C(7) provides that the Board, at its sole discretion, may attach conditions requiring provision for additional utility or traffic safety facilities. § 170-2009 .D(1)(f), among general standards for conditional use approval, further stipulates that "the demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured." § 170- 2009.D(1)(h) adds that "the burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund."

It is unclear that the Plan adequately deals with improvements to public infrastructure which may be necessary or desirable to serve the site adequately nor address the ability of the Board, at its sole discretion, to attach conditions requiring provision for additional public facilities. I defer such issues to other qualified members of your consulting team.

Submitted plans meet minimum open space requirements numerically. And the required sixty percent open space is a considerable amount. But you would hardly know it looking at the plans. Much of the open space is located in relatively narrow swaths along stream corridors which are required to be reserved in any extent. Larger areas of open space are principally devoted to either stormwater management or sewage disposal (if the development is not able to be served by extended public sewer service).

An important open space objective on this tract should be to preserve significant areas of the Brandywine Battlefield and to respect the setting of the historic Crebilly farmstead fronting on Street Road (PA 926). As noted above, much of this tract has been included in the study area for the Brandywine Battlefield Preservation planning efforts undertaken by the Chester County Planning Commission on behalf of the National Park Service. We know, particularly from more recently discovered British and German records, that British and Hessian troops, as well as American scouts and possibly snipers, were in action in the western and southwestern portions of the tract. One can hardly argue that protection of the still remaining landscape setting of the largest single battle in the War for Independence does not fit into the conservation mandate of the Pennsylvania Constitution. Thus, it is very important to configure the open space in this regard.

Development plans should relocate areas planned for development in the western-most and southwestern portions of the tract. Doing so will remove development from the immediate viewshed of the historic farmstead as well, and also relieve the very large distance at which some new homes will be from primary external access. If on-site sewage disposal fields are utilized, these could be intentionally placed in areas that would visually remain open space, as to an extent they have in the current Plan. An archeological survey, potentially including ground penetrating radar in selected areas, should be seriously considered.

§ 170-907.A(2) requires that ten percent of the net tract acreage be suitable, available and developed for active recreational purposes; this would total 27 acres. § 170-907.A(3) also provides for requirement of public pedestrian trails. While significant community recreational areas are provided in the current Plan, it would be even better if a significant portion of the required recreational lands and facilities included a literal "parkway" along the connector road, including a parallel off-road bicycle/pedestrian route, and affording an interpretive location with view toward the Brandywine Battlefield.

Pursuant to conditional use requirements to adhere to the Comprehensive Plan and Open Space Plan recommendations, pedestrian trails should be included in the open spaces along Pleasant Grove Road, New Street, and Street Road to join with the "parkway" and circle the western portions of the tract entirely. There is no reason why these facilities cannot circumvent the outholdings held by Robinson family members.

***Response: General conditional use criteria will be demonstrated via testimony and evidence at the conditional use hearings. The remaining comments above are subjective comments that do not require a response.***

#### Constitutional Requirement

As stated in regard to the prior plan submission, the submitted Plan does not provide a clear response to the Pennsylvania constitutionally guaranteed right "to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." Article 1, § 27 of the Constitution goes on to state "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

Recent court cases have held that the obligation of the Commonwealth extends to its municipalities. This does not mean that development cannot occur, but infers that development permitted under applicable ordinances should be designed in clear view of conservation opportunities.

Plan Conformance with the Comprehensive Plan.

The Applicant seems to have missed the fact that a new Comprehensive Plan was adopted in March of 2019 and, thus, was in force at the time of this new application.

While providing for a "connector" road parallel to Route 202, as clearly spelled out and generally located in the new Comprehensive Plan, consistency with other key recommendations of the Comprehensive Plan and supporting ordinance provisions are either ignored or not fully clear.

These include traffic and sewer improvements; dedication of open space, publicly accessible trails, and preservation of scenic and historic resources.

The Zoning Ordinance includes a number of specific requirements for consistency with the Westtown Township Comprehensive Plan, which are excerpted below. Notable are requirements for site layout and open space to conform to the Comprehensive Plan. In that regard, the new Comprehensive Plan includes specific references to scenic preservation at Crebilly Farm and mapping of open space there, as detailed below.

***Response: Article 1, § 27 of the PA Constitution does not apply to a conditional use application or to privately owned lands.***

Current Comprehensive Plan Excerpts. in Cultural Resources (Chapter 6) and Future Land Use (Chapter 11)

Page 6-5

"Scenic landscapes . . . have been consistently defined as those landscapes visible from the public right-of-way, which are characteristic of the natural heritage and historical settlement of the land."

"A special aspect to scenic landscapes in Westtown is the interpretive value of remaining open space subject to action in the Battle of the Brandywine. The Battle occurred on September 11, 1777, was the largest single battle in the War for Independence in terms of troops employed and was instrumental in an ultimate American victory. From recently discovered diaries of both British and German (Hessian) troops, the western portion of Westtown was involved in the forward advance of those troops toward definitive action in Thornbury and Birmingham Townships. Crebilly Farm remains as an important interpretive landscape relative to the battle."

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"The Future Land Use Map groups the Township into the following general categories:

- Neighborhood Conservation;
- Mixed Use Areas;
- Open Space; and
- Greenway Corridors.

These categories reflect the intended future character of the areas as generally mapped, including existing and future development over the 10-20-year planning horizon of this Plan."

The "Future Land Use Map" in the adopted Comprehensive Plan (at the end of Chapter 11) indicates the portion of Crebilly Farm that the Chester County Planning Commission has termed the "Brandywine Battlefield Swath" as "Open Space." The corridor along Radley Run is mapped as "Greenway Corridor."

Recommended Follow-Up

- Applicant should immediately embark on working with the Planning Commission to effectively complete the Conservation Design process as intended by the Zoning Ordinance.
- The Planning Commission should identify (and map) scenic views pursuant to §170-1617.C(1)(c) and consistent with the new Comprehensive Plan.
- Open space should be redesigned consistent with the Future Land Use Map in the new Comprehensive Plan.
- Areas planned for development, other than sewage disposal, in the western-most and southwestern portions of the tract should be relocated to provide for concentration of significant open space in the area of the Brandywine Battlefield, in scenic views and in the immediate viewshed of the historic farmstead off Street Road.
- Relocation of new homes as noted above also should relieve the large distance at which some new homes will be from primary external access to the tract.
- Unit count mix (single-family versus townhome or carriage house) should be adjusted to facilitate relocated development areas.
- Consideration should be given to reducing the minimum distance between multi-family dwellings (townhomes) to effect greater flexibility in meeting open space objectives.
- The Applicant, in coordination with the Township, should develop the connector road so as to make it continuous to the new connection to Skiles Blvd., T-ing in the connections to Pleasant Grove Road. This may or may not require cooperation with Westminster Presbyterian Church to provide additional right-of-way, depending on design.



- A "parkway" should line the "connector" road, with the Township agreeing that it meets requirements for active recreational lands.
- The trails system should be designed to include the three-mile publicly- accessible perimeter trail envisioned by the Comp Plan, looping along Pleasant Grove Road, New Street, Street Road and the "parkway" noted above.
- An archeological survey, potentially including ground penetrating radar in selected areas, should be seriously considered.
- All recommendations from the remainder of the consulting team should be fully considered.

Specific Comp Plan References in the Zoning Ordinance (excerpted)

*§ 170-902.D (Flex)*

*The location and conformity of the area shall be such that the flexible development thereof pursuant to this article would be consistent with the Westtown Township Comprehensive Plan*

*§ 170-906.B (Flex)*

*The Planning Commission shall act as the principal agent for the Board in reviewing and commenting on proposals for flexible development. As such, it shall receive and review the plans and documents, particularly with reference to the criteria for location and design as contained in §§ 170-902, 170-904, and 170-905 of this chapter. In addition, the Planning Commission shall evaluate the consistency of the proposed development with the Westtown Township Comprehensive Plan, and other matters required for consideration by the Board in § 170-2009 of this chapter.*

*§ 170-907.A(1) (Flex)*

*(1) The open space shall be laid out to the satisfaction of the Board in accordance with the best principles of site design and shall be consistent with the intent of the Township's Comprehensive Plan and Parks, Recreation and Open Space Plan.*

*§ 170-907.A(3) (Flex)*

*(3) Where applicable or deemed appropriate or contained in the Township's Comprehensive Plan or Parks, Recreation and Open Space Plan provision for pedestrian trails for public and/or private use shall be provided. This provision need not be in addition to the 10% requirement of Subsection A(2) above unless the Board determines that the entire 10% minimum must be designated for active recreation*

*§ 170-2009.C(3) (CU requirements)*

*(3) At least 30 days prior to the date of the hearing one copy of the application shall be furnished to the Township Planning Commission, together with a request that it submit recommendations to the Board for consideration at the hearing. The Planning Commission in its review of the conditional use application, shall evaluate in particular the generalized site plan in relation to the Township Comprehensive Plan and the physical development of the Township*

*§ 170-2009.0(1)(b) (CU requirements)*

*D. Standards for conditional use approval.*

*(1) In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the*

*degree of compliance with the following standards*

- (a) The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated*
- (b) The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health safety, and general welfare.*

**§ 170-101**      *General purpose.*

*This chapter is enacted for the purpose of promoting the health, safety, general welfare, and coordinated and practical community development of the Township in accordance with the Westtown Township Comprehensive Plan and is designed to lessen congestion on the roads and highways to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue congestion of population, to facilitate the adequate provision of transportation, vehicle parking, water, sewage facilities, schools, parks and other public requirements to conserve the value of buildings, and to encourage the most appropriate use of land throughout the Township*

**§ 170-102**      *Community development objectives.*

*A. This chapter is intended to carry out the goals and objectives of the Westtown Township Growth Management/Comprehensive Plan (Plan) which goals and objectives are hereby incorporated by reference. The plan has been formulated to implement the purposes set forth in § 170-101, above, in the respects therein stated, and more particularly with a view toward the following community development objectives:*

- (1) To avoid environmental harm from development*
- (2) To preserve prime farmland and forests*
- (3) To conserve the open and scenic character and natural beauty of Westtown Township.*
- (4) To provide for a variety of residential living environments.*
- (5) To prevent conflicts between land uses and to protect the property value of residents.*
- (6) To closely coordinate the road system with desired land uses*
- (7) To manage access along Route 202 and other major roads to ensure safe and efficient transportation*
- (8) To prevent strip commercial development especially along Route 202.*
- (9) To provide for businesses only in locations with safe access that would not interfere with through traffic*
- (10) To provide adequate community facilities including a balance of passive and active open space*
- (11) To stress continued cooperation with neighboring communities*
- (12) To carry out the plan through a continuous program of planning and action*

*Response: Pennsylvania Law does not require a conditional use application to be consistent with the Comprehensive Plan.*

John D. Snook, October 17, 2019:

Please Request that Applicant Amend the Plan Submission as Follows:

- Indicate the location of the Brandywine Battlefield National Historic Landmark (which abuts the subject property) and the Planning Area for the Landmark used by the National Park Service in efforts coordinated with the Chester County Planning Commission (the Planning Area includes much of the subject property).

*Response: Not required; see prior responses.*

- Indicate that the Westtown Inn (also known as Darlington Inn) and most of Crebilly Farm have been determined eligible for the National Register of Historic Places by the Pennsylvania Historical and Museum Commission (PHMC). These resources are indicated on the Historic Resources Map included within the new Comprehensive Plan.

*Response: Not required. Pursuant to section 905.A.1.j, the RGA Cultural Resource Consultants report, dated December 13, 2016, identifies the structures/resources on the property.*

- Indicate the location of scenic views from inside the site, ridgelines, and scenic views from existing streets and trails as required by the Zoning Ordinance; these areas shall be considered “Secondary Conservation Areas” for which up to 50% disturbance is permitted.

*Response: Not required; see prior responses.*

- Indicate the mapped extent of Scenic Views and Scenic Landscapes within the subject tract consistent with the defining text in the new Comprehensive Plan adopted this past March.

*Response: Not required; see prior responses.*

- The Zoning Ordinance also clearly provides that the Planning Commission may identify additional Scenic Views not identified by the Applicant (see §170-1617.C(1)(c)). This was not accomplished in review of the prior Plan submission.

*Note that while the Court in review of the prior Plan discounted denial of the Plan on the basis of failure to map Scenic Views since the term was not defined in the Zoning Ordinance, neither the prior Plan nor the new Plan identify lands visible from public roads as required by the Zoning Ordinance. The new Comprehensive Plan, adopted prior to submission of this new Plan, clearly offers pertinent definitional text and describes Crebilly Farm as exemplary for protection of scenic landscapes pertinent to the Battle of the Brandywine (see October 3 memo for specific excerpts from the new Comprehensive Plan).*

*Response: Not required; see prior responses.*

- Request that the Applicant amend the Plan to reflect consistency with the new Comprehensive Plan, notably to reflect the location of Scenic Landscapes, to provide for sidewalks and trails, protect historic resources, and to remove development impacts from the area designated on the Future Land Use Map in the Comprehensive Plan as “Open Space” (except recreational uses, trails, wastewater disposal, and stormwater management). As mapped, this area is consistent with the area mapped by the Chester County Planning Commission as the “Brandywine Battlefield Swath.” Future trails are mapped on the Trails and Bikeways Map in the Comprehensive Plan. §149-916 of the Township Code (Subdivision of Land) adds that “Sidewalks, bike paths and other paths may be required to be installed at the discretion of the Board of Supervisors upon the

recommendation of the Planning Commission.”

*The Chester County Planning Commission, in review of the prior Plan submission, offered a diagram redesigning the Plan generally consistent with the objectives stated above. This diagram should be revisited in the context of inclusion of the “connector road” consistent with the Comprehensive Plan. The Planning Commission, in fulfilling its role, should suggest any additional revisions it believes necessary on the basis of ongoing review and discussion.*

*Response: Not required; see prior responses.*

- Identify clearly pursuant to §170-2009 of the Township Code that “the demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.” This section further provides that the Board of Supervisors, at its sole discretion, may attach conditions requiring provision for additional public facility, utility or traffic safety facilities. Recommendations by the Planning Commission based on discussion with the Applicant will clearly assist the Board in such determination.

*Response: General Conditional Use criteria will be demonstrated through testimony and evidence introduced during the conditional hearings for this application.*

- Recent court cases have held that the obligation of the Commonwealth set forth in Article 1, § 27 of the Pennsylvania Constitution (the “Environmental Rights Amendment”) extends to its municipalities. Westtown cannot realistically adhere to this obligation without adequate information provided by the Applicant or other consultants indicating how the submitted Plan furthers the constitutionally guaranteed right “*to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.*”

*Response: Article 1, § 27 of the PA Constitution does not apply to conditional use or to privately owned lands.*

Albert Federico Consulting, October 15, 2019:

The following comments are offered for the Township's consideration:

1. *In consideration of conditional use approval, the Township may require the applicant to submit a development impact study which considers the impact of the proposed flexible development on traffic volume and safety. {§170-906.D(2)}*
  - a. In order to allow for consideration of the impact of the proposed development the Transportation Impact Study (TIS) should be revised to address the following:
    - i. Table 1 identifies West Pleasant Grove Road as a "Local" roadway. Table 1 should be updated to identify West Pleasant Grove Road as a Township Collector Roadway. *{Westtown Township Comprehensive Plan Update, page 9-7}*

*Response: West Pleasant Grove Road does not meet the Collector Road standards under the Township's road specifications.*

- ii. The TIS identifies the internal Collector Road as an off-site improvement (page 23). The section of the Collector Road proposed as part of the development traverses the property from West Pleasant Grove Road to PA Route 926 providing access to the property. As such it should be identified as an on-site improvement.

*Response: The TIS has been revised and is included to identify the Collector Road as an on-site improvement to accommodate non-development traffic.*

- iii. The TIS does not identify any existing pedestrian facilities within the study area (page 6). The following should be noted:
      - (1) Facilities within the adjacent Arborview neighborhood
      - (2) Facilities within the adjacent Bridlewood neighborhood
      - (3) Recently completed facilities along Orvis Way

*Response: Acknowledged. The TIS has been revised and attached.*

- iv. The traffic data used as the foundation for the capacity analysis was collected a number of different years, from 2015 to 2019. Traffic calming measures were installed along Jacqueline Drive in 2017 to address cut-through traffic. As West Pleasant Grove Road is the next east-west roadway south of Jacqueline Drive new counts are warranted.

*Response: Acknowledged. New traffic counts were completed and the TIS has been revised and is included with the re-submission.*

- v. The Crash Summary (page 5) only includes data for State "Reportable" collisions<sup>1</sup>. In order to provide a more complete assessment of transportation safety within the study area "Non-reportable" collisions should be included.

*Response: Acknowledged. The applicant requested the additional information from the Police Department and received only general information that could not be used to revise the TIS. The applicant has asked for more detailed information but has not yet received it.*

- vi. The proposed sight distance looking left from the proposed internal Collector Road along PA Route 926 is reported as 466 feet (Table 3). The Table should be updated to include the Township requirements (635 feet per the posted speed limit) and the scope of physical improvements required

to provide acceptable sight distance reflected on the plans. *{§149-915.K(5)}*

***Response: Section 149-915.K(5) applies to driveway design standards. This is a signalized street intersection.***

- vii. The proposed sight distance looking left from the proposed internal Collector Road along West Pleasant Grove Road is reported as 440 feet (Table 3), the minimum required by Township Code. Confirm that this measurement considered the widening (approximately seven feet) of West Pleasant Grove Road required to meet Code. *{§149-903.A(2)}*

***Response: Section 149-903.A(2) pertains to minimum required ROW and cartway width. It does not apply to sight distances. As stated above, section 149-915.K(5) sight distance only pertains to driveways and not street intersections.***

- viii. The study (*Arborview Transportation Impact Assessment, prepared by Traffic Planning and Design, dated January 2015*) referenced as the basis for the majority of assumed diversions (page 14) is not the most current version of the study. Further, this study relied on data dating as far back as 2012. These volumes are considered substantially outdated. New traffic counts should be completed, and the analysis updated.

***Response: Acknowledged. New traffic counts were completed and the TIS has been revised and is included with the re-submission.***

- ix. There is insufficient information provided to evaluate validity of the “supplemental diversion” of US Route 202 traffic to the Collector Road (page 15). Additional analysis and modeling based on current traffic count data is warranted to support the supplemental diversions.

***Response: Acknowledged. New traffic counts were completed and the TIS has been revised accordingly and is included with the re-submission.***

- x. The anticipated increase in larger vehicles traveling along West Pleasant Grove Road and turning to/from New Street increases the possibility of potential vehicular conflicts. The impact of these increased volumes on the roadway structure of West Pleasant Grove Road, as well as the turning paths at the intersection with New Street should be evaluated.

***Response: The applicant has no objections to widening and improving the half section of West Pleasant Grove Road along the property frontage in accordance with Township standards and specifications during the Land Development Process. The TIS model shows that there will be less traffic on West Pleasant Grove Road, since more traffic will move to the Collector Road.***

- xi. PennDOT classifies PA Route 926 as a “Critical Corridor”. The “optimized” traffic signal timings assumed for the future conditions analyses (page 16) reduces delays by shifting a significant portion of green time from PA Route 926 to serve New Street. This will have an appreciable impact on regional mobility, degrading the peak hour level of service for the PA Route 926 approaches. Provide written confirmation from PennDOT that if the project is approved the assumed “optimized” timings can be implemented.

***Response: Acknowledged. PennDOT will review and approve during the HOP process.***

- xii. The Cross Section Assumptions exhibit in Appendix I is based on a traditional widening. Alternative

alignments that minimize the number of properties from which right-of-way would be needed should be considered. Additionally, the Applicant is not precluded from coordinating with property owners to determine if the right-of-way could be reasonably obtained.

*Response: Acknowledged. PennDOT will review and approve the turn lane warrants analysis during the HOP process.*

xiii. Provide Cost Estimates for necessary improvements to accommodate future traffic. *{§149-804.A(10)}*

*Response: Cost estimates will be formulated during land development.*

xiv. Provide an Implementation Strategy for necessary improvements to accommodate future traffic. *{§149-804.A(11)}*

*Response: Implementation Strategy will be formulated during land development.*

2. *The burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund. {§170-2009.D(1)(h)}*

- a. The conclusion that the project does not adversely impact the intersection of US Route 202 and PA Route 926 appears to be based in large part on assumed diversions of traffic to Orvis Way and the proposed internal Collector Road. As noted above additional information and analyses should be provided to support the assumed diversions.

*Response: The TIS has been revised and is re-submitted.*

- b. As presented the project will impact the following intersections increasing the length of required turn lanes:
- i. US Route 202 at Pleasant Grove Road – Southbound Right Turn (+100 feet post-development over existing)

*Response: The TIS has been revised and is re-submitted. The required southbound right turn lane is now proposed to be an additional 100 feet post-development beyond what is required in existing condition.*

- ii. PA Route 926 at New Street – Eastbound Left Turn (+50 feet post- development over existing)

*Response: The TIS has been revised and is re-submitted. The required eastbound left turn lane is now proposed to be an additional 25 feet post-development beyond what is required in existing condition.*

- c. Additional grading and/or traffic management measures appear warranted to enhance safety at the three accesses proposed to have insufficient sight distance or the exact minimum distance (with no margin for error):
- i. Collector Road at PA Route 926 (grading)
- ii. Road M at West Pleasant Grove Road (grading and/or roundabout)
- iii. Collector Road at West Pleasant Grove Road (grading and/or roundabout)

*Response: This is incorrect. The sight distances comply with applicable requirements. The sight*

*distances are not based on driveway/street intersections.*

- d. In order to minimize external conflict points, promote internal connectivity, reduce the number of cul-de-sacs and enhance overall safety along West Pleasant Grove Road:
  - i. Road M should be removed
  - ii. Roads L and N should be extended to form a single road

*Response: The proposed internal roadway design is safe and has sufficient internal connectivity. Removing Road M and extending roads L and N does not create any additional internal connectivity or enhance safety, rather it unnecessarily adversely impacts the environmentally sensitive areas in the northern portion of the property.*

- e. The design of the internal Collector Road should incorporate suitable traffic calming measures to maintain a 35 mile per hour average travel speed.

*Response: The design of the Collector Road will be determined during land development.*

- f. The submitted plans should be revised to ensure they accurately reflect existing driveways in the immediate vicinity of the site, including the exit-only driveway from the Westminster Presbyterian Church and new residential driveways along the north side of West Pleasant Grove Road, west of Hidden Pond Way.

*Response: The exit-only driveway from the Westminster Presbyterian Church is on the plan. The applicant is unaware of any new residential driveways along the opposite side of West Pleasant Grove Road, west of Hidden Pond Way.*

- g. The plans should identify the anticipated limits of required right-of-way and/or easements to accommodate the physical improvements associated with the PennDOT project at US Route 202 and PA Route 926.

*Response: PennDOT has yet to fully engineer the project. However, applicant is proposing 8' increase from the existing ROW to ultimate ROW for Rt 202 and 15' increase on Rt 926.*

- h. The following internal intersections should be reconfigured to remove geometric irregularities:
  - i. Road E and Road F
  - ii. Road F and Road G
  - iii. Road I and Road J

*Response: The internal intersection design complies with section 149-907.A of the Township SALDO, which does not apply during the conditional use process.*

- i. Additional facilities should be provided to address non-vehicular connectivity, including:
  - i. A perimeter trail around the portion of the site west of the internal Collector Road. {*Westtown Township Comprehensive Plan Update, page 9-15*}

*Response: Not required.*

- ii. Connections to existing and planned facilities within along Dunvegan Road and the Arborview neighborhood. {*Westtown Township Comprehensive Plan Update, page 9-15*}



*Response: Not required.*

iii. Sidewalks along proposed roads, including accessible crossings. {§149-916}

*Response: Section 149-916 is a SALDO requirement which is not applicable during the conditional use process. Section 149-916 does not require sidewalks but rather leaves to the Board's discretion to require sidewalks during land development. In the event the Board does require sidewalks, the applicant has afforded for the additional impervious coverage to provide sidewalks on the internal roadways.*

iv. Connectivity to pedestrian attractors, including Stetson Middle School, Westminster Presbyterian Church, and the existing retail uses at US Route 202 and PA Route 926. {§149-916}

*Response: Section 149-916 is a SALDO requirement which is not applicable during the conditional use process. Section 149-916 does not require pedestrian connectivity to pedestrian attractors.*

j. Provisions should be made for future access from the Westminster Presbyterian Church to the internal Collector Road.

*Response: Not required.*

k. Provisions should be made for School Bus Stops, including short-term parking for drop-off and pick-up.

*Response: During land development the applicant will coordinate with the School District with respect to school bus stops.*

Resubmission:

- 16 sets of full-size plans, sheets 1 and 12 of 71, dated 8/9/19 and last revised 11/22/19, prepared by ESE Consultants Inc.
- Conditional Use Stormwater Management Narrative for the Robinson Tract, last revised Nov. 2019, prepared by ESE Consultants, Inc. (16 copies)
- Sample of a declaration of a planned community. (16 copies)
- Transportation Impact Study for the Robinson Tract prepared by McMahon Associates, Inc., last revised 12/2/19. (16 copies under separate cover)

Thank you for your attention and anticipated cooperation in regard to the above. Should you have any questions, comments, or require additional information please contact me at your convenience.

Sincerely,  
ESE CONSULTANTS, INC.

MCMAHON ASSOCIATES, INC.



Jeff Madden, PE  
Senior Project Engineer



Nicole R. Kline-Elsier, PE, PTOE

cc: