



# WESTTOWN TOWNSHIP

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June 15, 2021

Mr. Gregg I. Adelman, Esq.  
Kaplin Stewart Attorneys at Law  
Union Meeting Corporate Center  
910 Harvest Drive  
Blue Bell, PA 19422-0765

**Re: Conditional Use Application for the Stokes Estate**

Dear Mr. Adelman:

The Township is in receipt of a conditional use application for the property located at 1013 Shiloh Road, known as the "Stokes Estate", submitted by the applicant, Fox Clearing, LLC on May 21, 2021. The application proposes the construction of 68 single-family detached homes pursuant to the Flexible Development Procedure. The property, Tax ID #67-2-23, is 64.956 acres and is zoned R-1 Residential. The applicant is proposing to preserve a total of 39.621 acres of open space on the property, some of which is constrained by steep slopes, wetlands, and areas within the 100-year floodplain, as well as multiple stormwater management facilities. A two-branch pipeline easement also runs east/west through the property. The property has frontage along Shiloh Road, and the proposed development would include a roadway connection on Shiloh Road through the property to connect into Shiloh Hill Drive. The applicant is proposing the use of public water and public sewer.

This letter shall serve as a review of the application to determine its overall completeness prior to commencing the conditional use process per Chapter 170 Section 2009 of the Westtown Township Zoning Code. The following items were received by the Township:

- Conditional Use Application and application fees, dated May 21, 2021.
- Conditional Use Application Addendum.
- A 23-sheet conditional use plan set prepared by DL Howell, dated April 30, 2021.
- Property Deed.
- Conservation Design Plans consisting of two (2) sheets, dated April 30, 2021.
- Aqua America will-serve letter, dated April 28, 2021.
- Sewage Facilities Planning Module, dated November 2020 and revised May 2021. The Westtown Board of Supervisor passed Resolution 2021-04 on March 15, 2021 to submit the Sewage Facilities Planning Module to the PA DEP.
- Traffic Impact Study and Crash Analysis, dated May 2021 and April 2021, respectively.
- Preliminary Stormwater Management Report, dated April 29, 2021

Prior to the submission of the conditional use application, the following items were submitted to the Township:

- Chester County Planning Commission review letter dated January 6, 2021. This review letter was prepared for the tentative sketch plan submitted by the applicant dated November 10, 2020 for the development of a 62-lot residential subdivision.

Pursuant to the standards for conditional use applications articulated in the Township Zoning Code §170-2009, **the Township considers the application incomplete** and requests additional information in support of §170-2009.B(3)(d) related to the provision of sufficient information to determine compliance with density requirements. The deficiencies and recommended corrective action are noted in the section titled “Bonus Density” below. The applicant is asked to submit a narrative and any additional drawings or amended plan sheets as appropriate to clearly demonstrate how the proposed plan either meets the requirements of the aforementioned code section, or submit a revised plan that is in compliance with all applicable sections of the Township code.

### Bonus Density

The applicant is proposing to utilize the bonus density provision of the Flexible Development Procedure, which permits bonus density calculations above the base 1.1 DU/acre in accordance with the performance standards of §170-904.A(3). Under the provisions of §170-904.A(3)(a)[2], open space within any flexible development utilizing bonus density shall comply with the following:

*“All open space used incrementally toward calculation of bonus density as provided in § 170-904A(2)(a) shall, in addition to full compliance with all other applicable standards herein, **fully exclude** from calculation of open space area any existing or proposed impervious surfaces, stormwater management facilities, wetlands, water bodies, watercourses, prohibitive slope (including created slopes exceeding 25%), and any lands subject to floodplain regulations.”*

Reason for incompleteness: Stormwater management facilities and proposed impervious surface areas associated with the pump house are not excluded from the overall open space areas, nor are the full extent of the areas of other natural encumbrances excluded for the purposes of measuring areas of open space for the calculation of bonus density.

The provided calculations for open space indicate a total of 36.447 acres will be provided as qualifying open space, representing 56.11% of the gross tract area. However, bonus density calculations require the full amount of the listed areas of natural encumbrance be excluded as well as areas used for stormwater management facilities and impervious surfaces. The calculations for qualifying open space do not appear to exclude all listed features, nor is there an overall summary or tabulation of the area used for stormwater facilities or impervious surfaces located in open space areas. These areas should be separately calculated and shown in the summary table to demonstrate compliance. For clarity and ease of understanding, we recommend the applicant provide a table of calculations that specifically identifies the gross area for each open space area and the area of each open space encumbered by natural features, stormwater facilities, impervious surfaces, and other non-qualifying areas, similar to what is shown below. The amended calculations based on the net open space area should then be used to determine what percent of the gross tract area is being provided as qualifying open space above the minimum required 40% to determine the density bonus and overall number of lots achievable on the property.

|                         | Open Space Area 1 | Open Space Area 2 | Open Space Area 3 | Open Space Area 4 | Open Space Area 5 |
|-------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Gross Area (acres)      | 36.27             | 0.69              | 0.78              | 1.60              | 0.28              |
| Non-Qualifying Area     |                   |                   |                   |                   |                   |
| Area of Floodplain      |                   |                   |                   |                   |                   |
| Area of Slopes (15-25%) |                   |                   |                   |                   |                   |
| Area of Slopes (>25%)   |                   |                   |                   |                   |                   |
| Wetlands/Water Bodies   |                   |                   |                   |                   |                   |
| Impervious Surfaces     | (Pump House)      |                   |                   |                   |                   |
| Stormwater Facilities   |                   | N/A               | N/A               | N/A               | N/A               |
| Total Net OS Area       |                   |                   |                   |                   |                   |

Additional review comments are provided in the sections below which identify code sections where additional information would be beneficial to demonstrate intent and compliance to the Planning Commission and the Board of Supervisors, but are not considered to be incomplete or insufficient for the purposes of meeting the conditional use submission requirements. Rather, staff believes these comments are important to note at this review phase and recommend the additional information be shown on revised site plans or in a supplemental narrative.

### Open Space Standards

1. §170-907.A(2) requires that within the acreage of open space or elsewhere on the tract, an area equivalent to at least 10% of the net tract acreage shall be suitable and available to serve the particular recreational needs of the residents of the development. Further, §170-907.A(5) specifies that the plan shall designate the use of common open space. §170-2009.B(6)(b) requires the conditional use application shall show the applicant's intention toward "arrangement of all areas devoted to ground cover, trees, screen planting, open space, recreation, and similar purposes". While the proposed site plans generally show where open space will be located, no additional information or detail is provided about the use of the open space or how the land will be maintained, whether it will be in open fields/natural area, as lawns, as recreation area, or otherwise, and should either be noted on the plan set and/or in a written narrative.
2. §170-907.A(7)(e) requires open space areas shall be free of all structures, except those related to outdoor recreational use or as otherwise provided. Open Space Area #1 contains the access drive and pump station which appears to not meet this requirement. The pump station may need to be separated out onto its own lot to exclude it from the area contributing to Open Space Area #1 and shall be excluded from area calculations to determine bonus density per §170-904.A(3)(a)[2].
3. On Sheet 5 under the open space calculations, there are two calculated totals for provided open space: 39.314 acres, listed under the "Open Space Tabulation" and 39.621 acres, listed under the "Proposed" table. The sum of all open space areas totals 39.62 acres, but the figure of 39.314 acres is used to determine net open space. The applicant should clarify this discrepancy.

### Conservation Design and Historical Resources

1. §170-1617.C(1)(c) requires "secondary conservation areas" to be identified on the existing resources and site analysis map which includes scenic views and locations and descriptions of existing buildings. The property contains existing structures that have been identified and mapped by the Township's Historical Commission as being a site of

local historic value. The Westtown Comprehensive Plan also notes this property as being of local historic value and supports the preservation of scenic views. Neither the existing structures on the property nor any scenic views are identified in the existing resources plan on the Conservation Design Plans. These should be supplied on the plans for the purposes of determining the impact on areas of primary and secondary conservation areas. Per §170-1617.C(2), potential development areas shall not include any primary conservation areas except for minor intrusion and land development activities shall not be permitted within more than 50% of secondary conservation areas.

2. It is the applicant's intent to demolish all existing structures on the lot. Because the property is located as a site of local historic value on the Historic Resources Map, the Historic Commission has the opportunity to work with the property owner to document the property prior to the issuance of any demolition permit per the standards of Article XXIV in the Township Zoning Code. We highly encourage the applicant to grant this permission to the Historic Commission to photograph and document the historic resources prior to demolition.

### Tract Boundary

1. §170-904.E(11) requires there be a 50 ft tract boundary setback for all single-family detached dwellings and uses accessory thereto, and requires the tract boundary area shall be landscaped. Some of the areas within this boundary setback fall on top of the "Enterprise" pipeline easement where no landscaping would be permitted, particularly to the rear of lots 31-35. Minimal landscaping is being provided on only two lots for those lots 52-58 which are also encumbered by the 50 ft tract boundary setback. Landscaping is required because it provides a visual buffer between the higher-density housing of the proposed development and neighboring areas of lower-density residential housing. Landscape buffer areas should be provided outside of the pipeline easement, or a variance requested from the landscaping requirement of the tract boundary. Other areas of tract boundary appear to be utilizing existing landscaping toward the requirement. Staff notes that no primary or accessory uses are permitted within this setback area, so homeowners of those lots will not be eligible to install any improvements like sheds, decks, patios, pools, or home additions within their rear yards.

Thank you,



Maggie Dobbs, AICP  
Director of Planning & Zoning

Cc: Jon Altshul – Westtown Township Manager  
Patrick McKenna, Esq. – Westtown Township Solicitor