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August 11, 2021

VIA ELECTRONIC MAIL

Patrick M. McKenna, Esquire
Gawthrop Greenwood, PC
17 East Gay Street
West Chester, Pennsylvania 19381

Re: Township of Westtown
Conditional Use Application of Toll PA XVIII, L.P. for the Crebilly Farm

Dear Pat:

I have attached the Proposed Findings of Fact and Conclusions of Law submitted on behalf of the Westtown Township Planning Commission with regard to the above application.

Thank you for your courtesies.

Very truly yours,

A handwritten signature in black ink that reads 'Kristin S. Camp'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kristin S. Camp

KSC/jk
Attachment

cc: Counsel of Record (via electronic mail, with attachment)
Russell Hatton, Chairman Westtown Township Planning Commission (via electronic mail, with attachment)

**BUCKLEY, BRION,
McGUIRE & MORRIS LLP**
Kristin S. Camp, Esquire
118 West Market Street
West Chester, PA 19382
610.436.4400

**ATTORNEYS FOR
WESTTOWN TOWNSHIP
PLANNING COMMISSION**

IN RE:
CONDITIONAL USE APPLICATION
OF TOLL PA XVIII, L.P.

**WESTTOWN TOWNSHIP PLANNING COMMISSION'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Westtown Township Planning Commission (the "Planning Commission"), by and through its undersigned counsel, Kristin S. Camp, Esquire of Buckley, Brion, McGuire & Morris LLP, hereby submits these Proposed Findings of Fact and Conclusions of Law to the Board of Supervisors of Westtown Township (the "Board"). The Planning Commission also incorporates by reference the Proposed Findings of Fact and Conclusions of Law that it submitted to the Board for the First Conditional Use Application (as defined herein) which are attached hereto as **Exhibit "A"**, and incorporated herein by reference.

I. Proposed Findings of Fact.

A. Parties and Standing; Zoning Classification

1. Applicant ("Applicant") is Toll PA XVIII, L.P. N.T. 12/18/2020 at p. 4; N.T. 11/17/2020 at p. 624; Exhibit A-5.
2. The property which is the subject of this application (the "Property") is comprised of the following eleven (11) tax parcels:
 - a. Tax Map Parcel No. 67-4-29.
 - b. Tax Map Parcel No. 67-4-29.1.
 - c. Tax Map Parcel No. 67-4-29.2.
 - d. Tax Map Parcel No. 67-4-29.3.
 - e. Tax Map Parcel No. 67-4-29.4.
 - f. Tax Map Parcel No. 67-4-30.
 - g. Tax Map Parcel No. 67-4-31.
 - h. Tax Map Parcel No. 67-4-32.
 - i. Tax Map Parcel No. 67-4-33.

- j. Tax Map Parcel No. 67-4-33.1.
- k. Tax Map Parcel No. 67-4-134.

N.T. 11/17/2020 at p. 624-25; Exhibit A-5.

- 3. Crebilly Farm Family Associates, L.P., David M. Robinson, Laure S. Robinson, and David G. Robinson are the record owners of the Property. N.T. 11/17/2020 at p. 624; Exhibit A-5.
- 4. Applicant is the equitable owner of the Property. N.T. 11/17/2020 at p. 624; Exhibit A-5.
- 5. The Property is located in the southwest corner of the Township. Exhibit A-65.
- 6. The Property is bounded on the north by West Pleasant Grove Road, on the south by Pennsylvania Route 926 (a/k/a Street Road) ("Route 926"), on the east by Pennsylvania Route 202 (a/k/a Wilmington Pike) ("Route 202") and on the west by South New Street. N.T. 11/17/2020 at p. 623; Exhibit A-65.
- 7. The Property measures 322.26 acres, more or less in area. N.T. 11/17/2020 at p. 623-624.
- 8. Most of the Property is located within the Township's A/C - Agricultural/Cluster Zoning District (the "A/C Zoning District"), while a portion of the Property is located within the Township's R-1 Residential Zoning District (the "R-1 Zoning District"). N.T. 11/17/2020 at p. 623.
- 9. Pursuant to the Township Zoning Ordinance (the "Zoning Ordinance") that was in effect as of the date the Second Conditional Use Application was filed on August 16, 2019, property within the A/C Zoning District or the R-1 Zoning District may be developed pursuant to the Flexible Development Procedure as set forth at Article IX of the Zoning Ordinance (the "Flexible Development Procedure"). Exhibit B-5.
- 10. On October 18, 2016, Applicant filed a conditional use application (the "First Conditional Use Application") seeking to develop the Property pursuant to the Flexible Development Procedure. Exhibit B-6.

11. After ten nights of hearings on the First Conditional Use Application the Board rendered a decision and voted to deny the First Conditional Use Application in a Decision and Order dated December 28, 2017 (the “First CU Decision”).
12. After appeals to both the Court of Common Pleas of Chester County and the Pennsylvania Commonwealth Court, the Board’s First CU Decision was upheld by the Commonwealth Court in an Order dated December 12, 2019 (“Commonwealth Court Order”).
13. No party filed an appeal from the Commonwealth Court Order. N.T. 1/30/2020 at p. 65.
14. On August 16, 2019, Applicant filed a second conditional use application (the “Second Conditional Use Application”) seeking conditional use approval to subdivide and develop the Property pursuant to the Flexible Development Procedure.
15. The Township Planning Commission reviewed the Second Conditional Use Application at several Planning Commission meetings throughout the Fall of 2019 and ultimately voted at its public meeting on December 4, 2019 to recommend to the Board that it deny the Second Conditional Use Application for the reasons set forth in a letter dated December 13, 2019 from Kristin S. Camp to the Board (the “December 2019 Recommendation Letter”) which was admitted as Exhibit B-64.
16. On January 31, 2020, Applicant responded to the Planning Commission’s December 2019 Recommendation Letter and submitted an alternate conceptual site plan titled “Concept Plan/Robinson Overlay 25 Ft. Spacing” prepared by ESE Consultants dated January 30, 2020 (the “Alternate Plan”).
17. After submitting the Alternate Plan, Applicant appeared again at several Planning Commission public meetings to review the changes that had been made to the plan filed with the Second Conditional Use Application as depicted on the Alternate Plan. N.T. 11/17/2020 at p. 660; Exhibit B-64.
18. Based on comments it received from the Planning Commission when reviewing the Alternate Plan, Applicant submitted a revised alternate conceptual site plan titled, “Concept Plan- The Robinson Tract” prepared by ESE Consultants dated June 5, 2020 (“Revised Alternate Plan”) which was similar to the Alternate Plan but removed 90-degree internal road intersections that the Township traffic engineer commented on as being undesirable.

19. The Revised Alternate Plan was admitted as Exhibit A-76. N.T. 11/17/2020 at p. 661.
20. The Planning Commission reviewed the Alternate Plan and Revised Alternate Plan at several Planning Commission meetings from February 2020 through July 8, 2020, and ultimately voted at its public meeting on July 8, 2020 to recommend to the Board that it deny the Second Conditional Use Application for the reasons set forth in a letter dated July 14, 2020 from Kristin S. Camp to the Board (the “July 14, 2020 Recommendation Letter”) which was admitted as Exhibit B-71.
21. The Board conducted 13 public hearings over the course of 20 months on the Second Conditional Use Application which concluded on July 12, 2021.
22. At the first hearing on the Second Conditional Use Application held on December 18, 2019, the Board granted the Planning Commission party status over the objection of Applicant. N.T. 12/18/2019 at p. 53.
23. Applicant requested and the Board agreed to allow Applicant and all parties to the hearing to incorporate by reference the record from the hearings held on the First Conditional Use Application. N.T. 1/30/2020 at p. 89.

B. Site Layout and Design Elements

24. Applicant proposes to subdivide and develop the Property pursuant to the Flexible Development Procedure and the subdivision and land development plans titled, “Conditional Use Subdivision Plan for the Robinson Tract Proposed Development”, prepared by ESE Consultants Inc., sheets 1 through 71, dated August 9, 2019 (hereinafter the “Second CU Plans”) which were admitted as Exhibit A-65. N.T. 11/17/2020 at p 627.
25. The Second CU Plans propose to subdivide and develop the Property into 319 lots- 317 lots for new single family dwelling units and 2 lots for existing single-family dwelling units. N.T. 11/17/2020 at p. 630; Exhibit A-65.
26. Applicant proposes to construct 182 single-family detached dwelling units and 135 townhomes. N.T. 11/17/2020 at p. 632; Exhibit A-65.
27. The Second CU Plans propose the construction of a connector road (the “Connector Road”) which runs north-south connecting W. Pleasant Grove Road to Route 926. Exhibit A-65; N.T. 1/30/2020 at p. 233. The Collector Road intersects Route 926 directly opposite Bridlewood Boulevard. Exhibit A-65; N.T. 1/30/2020 at p. 233-34.

28. The Collector Road intersects Route 926 directly opposite Bridlewood Boulevard. Exhibit A-65; N.T. 1/30/2020 at p. 233-34.
29. Sheet 12 of the Second CU Plans, titled "Overall Lot Layout Proposed Development" dated August 9, 2019, which was admitted as a separate plan sheet marked Exhibit A-68 depicts sixty feet (60') of separation between the townhome units. N.T. 11/17/2020 at p. 630-631.
30. Sheet 71 of the Second CU Plans titled "Concept Plan A 30 Foot Spacing" dated August 9, 2019, which was admitted as a separate plan sheet marked Exhibit A-69 depicts thirty feet (30') of separation between the townhome units instead of the sixty feet (60') of separation which is depicted in Exhibit A-68.
31. The Planning Commission supports the 30-foot separation between the townhouses as depicted on Exhibit A-69. Exhibit B-64.
32. The reduction in separation between the townhomes as depicted on Exhibit A-69 provides more contiguous areas of open space. N.T. 11/17/2020 at p. 640.
33. The areas of the Property where Applicant proposes to construct the 317 new dwelling units and infrastructure in support thereof are outside of the primary conservation areas, as defined in Section 170-1617 of the Ordinance, except for an area on the southwest corner of the Property where a road is proposed to cross a stream and an area across from Bridlewood Blvd. to the north of Route 926 where a road is proposed to cross a stream and disturb areas of steep slopes. N.T. 11/17/2020 at p. 630, 668.
34. Applicant intends to disturb portions of the secondary conservation areas, as defined in Section 170-1617 of the Ordinance, in order to construct certain townhomes including mature woodlands along the Property's W. Pleasant Grove Road frontage, steep slopes, stream corridors and wetlands. N.T. 11/17/2020 at p. 629; Exhibit A-65.
35. Applicant intends to disturb the scenic viewshed of the Property and the historic farmstead as viewed from Route 926 and S. New Street in the southwestern portion of the Property. Exhibit A-65; Exhibit B-56.
36. Applicant intends to disturb an area in the southwestern portion of the Property which has been identified by the Township and the Chester County Planning Commission as a historic resource due to its reported use for troop movements and battlefield skirmishes in the Battle of the Brandywine. Exhibit A-65; Exhibit B-56.

37. Jeffrey Madden, P.E., the project engineer for Applicant prepared the Second CU Plans, the Alternate Plan and the Revised Alternate Plan and testified as an expert in civil engineering and site planning and design at the hearing on November 17, 2020. N.T. 11/17/2020 at p. 620.
38. Mr. Madden did not take into account the historical significance of the Property when designing the Second CU Plans. N.T. 11/17/2020 at p. 770.
39. Mr. Madden explained that the Second CU Plans (Exhibit A-65) differ from the plans filed in the First Conditional Use Application (Exhibit A-6) in the following respects: (i) providing the Connector Road; (ii) the right-in, right-out access driveway from Route 202 was eliminated; (iii) the mix of units is now 135 townhomes (as opposed to 117) and 182 single family dwellings (as opposed to 200); (iv) there are fewer homes on the westernmost portion of the Property; and (v) the addition of a trail along the entire length of the Connector Road. N.T. 11/17/2020 at p. 622-623; Exhibit A-65.
40. The Second CU Plans proposes 196.94 acres of open space. N.T. 11/17/2020 at p. 638; Exhibit A-65.
41. Mr. Madden introduced the Revised Alternate Plan as Exhibit A-76 and explained that it was prepared in response to several of the Planning Commission's comments on the Second CU Plans and incorporated the following changes: (i) shifted the entire development by hundreds of feet to the east; (ii) increased areas of contiguous open space by approximately 20 acres; (iii) increased the number of trails and pedestrian connectivity throughout the development in areas shown in blue on the Revised Alternate Plan, including a trail connection to the intersection of Route 926 and Route 202; (iv) added proposed bus stop locations in areas shown in yellow on the Revised Alternate Plan; (v) added a public equestrian crossing area along the westernmost portion of the Property to allow equestrian connection to the land in Thornbury Township in the area cross hatched in green on the Revised Alternate Plan; (vi) added an off-street gravel parking area to the east of the Connector Road; (vii) eliminated right angles at two internal road intersections; (viii) eliminated an access driveway from W. Pleasant Grove Road which is identified as Road N on the Revised Alternate Plan; and (ix) eliminated areas for on-site sewer treatment and disposal and instead proposes to connect the development to the Township's public sewer system. N.T. 11/17/2020 at p. 662-663.
42. In order for the Revised Alternate Plan to be approved, the Board must grant waivers from various sections of the Township's Subdivision and Land Development Ordinance ("SALDO") as set forth on Exhibit A-77. N.T. 11/17/2020 at p. 665.
43. In order to comply with Section 170-904.E(2)(c) of the Ordinance, which

limits the total maximum impervious coverage to not more than 45% of the gross area of the tract for the townhome portion of the development, the total amount of impervious cover that each townhome lot is allotted must be limited or restricted in the deeds to these lots and in the homeowners' declaration for the townhomes. N.T. 11/17/2020 at p. 688.

44. Robert Flinchbaugh, a professional engineer employed as a senior municipal engineer with Cedarville Engineering, testified on behalf of the Planning Commission as an expert in civil engineering and stormwater. N.T. 12/16/2020 at p. 799.
45. Mr. Flinchbaugh could not verify that the grading necessary to build the dwellings, roads, stormwater basins and the placement of fill or excavation necessary to build the stormwater basins as depicted on the Second CU Plans, would be outside of the 75-foot riparian buffer required by Section 170-407.A of the Ordinance and Section 144-301.U of the Stormwater Ordinance. N.T. 1/26/2021 at p. 847; Exhibit PC-5.
46. The majority of the Property and proposed development drains to the Radley Run watershed while a small portion drains to the Chester Creek watershed. N.T. 12/16/2020 at p. 802.
47. Both the Radley Run and Chester Creek are classified by the Pennsylvania Department of Environmental Protection ("PaDEP") as impaired streams due to sediment. N.T. 12/16/2020 at p. 802.
48. Section 144-301.P of the Westtown Township Stormwater Ordinance authorizes the Board to require a developer to implement additional stormwater control measures where stormwater will impact impaired streams. N.T. 12/16/2020 at p. 803-804.
49. The Board may require Applicant to implement stream restoration in portions of the streams on the Property.
50. Requiring Applicant to minimize impervious cover throughout the development and to implement certain BMP's such as rain gardens, vegetative swales and stormwater bump outs will assist Applicant in meeting water quality requirements of the Township's Stormwater Management Ordinance as well as assist the Township in complying with its MS4 permit requirements for pollutant reduction. N.T. 12/16/2020 at p. 806-807.

C. Land Planning and Design

51. John D. Snook, who serves as the Township's professional land planner, testified as an expert in land planning at the hearing on January 26, 2021. N.T. 1/26/2021 at 852-952.

52. Mr. Snook reviewed the Second CU Plans and the Revised Alternate Plan and issued review letters with the following dates: October 3, 2019 admitted as Exhibit B-56, October 17, 2019 admitted as Exhibit B-56 and February 12, 2020 admitted as Exhibit B-70.
53. The Chester County Planning Commission reviewed the Second CU Plans and issued a review letter dated October 18, 2019 which was admitted as Exhibit B-53.
54. Based on Chester County's 2018 Comprehensive Plan, known as "Landscapes3", the central and western portion of the Property is designated as Rural Landscape and the "Brandywine Battlefield Overlay Area." N.T. 1/26/2021 at p. 856; Exhibit B-53.
55. According to the Chester County Planning Commission, development within or adjacent to the Brandywine Battlefield Overlay Area should "preserve key lands, adaptively reuse historic structures an applied context-sensitive design to integrate with distinctive cultural features and the nationally significant cultural landscape." N.T. 1/26/2021 at p. 856; Exhibit B-53.
56. The Chester County Planning Commission recommended that the proposed residential development on the western side of the Property be shifted to the greatest extent possible to the eastern portion of the site in order to be consistent with the goals and objectives of Landscapes3 and to preserve to the greatest extent possible the area of the Brandywine Battlefield Overlay Area. N.T. 1/26/2021 at p. 858; Exhibit B-53.
57. Mr. Snook believes that "the greatest value of land such as this notably at Crebilly Farm, which is still an incredible intact, very visible landscape, ripe for interpretation of historical events, is frankly, that historical interpretative value." N.T. 1/26/2021 at p. 858-859.
58. The Pennsylvania Historical and Museum Commission has determined that the majority of the Property is eligible for inclusion on the National Register of Historic Places. N.T. 1/26/2021 at p. 866; Exhibit B-53, Exhibit PC-22.
59. Mr. Snook recommends that the Second CU Plans and Revised Alternate Plan be revised to shift the development farther to the east to remove development out of the areas where there were likely troop movements in the Battle of the Brandywine. N.T. 1/26/2021 at p. 869.
60. Shifting the development farther east is consistent with many goals and objectives in the Township Comprehensive Plan adopted in 2019, including the Future Land Use Map which identifies the western portion of the Property as open space. N.T. 1/26/2021 at p. 874; Exhibit PC-23.

61. Shifting the development farther east also protects the scenic views of the historic farmstead from Route 926 and S. New Street and thus is consistent with numerous goals in the Comprehensive Plan. N.T. 1/26/2021 at p. 880, 941.
62. Shifting the development farther east also protects a natural heritage area located on the west side of New Street known as “Briton’s Quarry Serpentine Barren Natural Heritage Area” which is included in the Pennsylvania Natural Diversity Index and hosts five plant species of concern. Exhibit B-53.
63. Development on the western portion of the Property may be detrimental to the Natural Heritage Area and the protected species located therein. N.T. 1/26/2021 at p. 886- 887; 931; Exhibit B-53.
64. Given the likelihood that there were troop movements on the western portion of the Property during the Battle of the Brandywine, an archeological survey is warranted to search for historic artifacts from the battle. N.T. 1/26/2021 at p. 880, 945.
65. The Township’s Trails and Bikeways Map which was adopted as part of the Township’s 2019 Comprehensive Plan depicts the location of a trail corridor that extends generally along the perimeter of the Property. Exhibit PC-24.
66. The Revised Alternate Plan provides additional internal looping trails toward the perimeter of the Property but still lacks a continuous perimeter trail that is depicted on the Township’s Trails and Bikeways Map. N.T. 1/26/2021 at p. 878-879; Exhibit PC-24, Exhibit B-53.

D. Traffic Conditions and Improvements

67. Applicant presented the testimony of its traffic engineer, Nicole Kline, who was recognized as an expert in traffic engineering based on the credentials in her curriculum vitae which was admitted as Exhibit A-28; N.T. 8/3/2020 at p. 228.
68. Ms. Kline prepared the Traffic Impact Study dated August 13, 2019 (the “TIS”) which was submitted with the Second CU Application and admitted as Exhibit A-42. N.T. 8/3/2020 at p. 232.
69. Throughout the course of the hearings, Ms. Kline revised the TIS to address comments from the Township and the Pennsylvania Department of Transportation (“PennDOT”). The revised TIS dated December 2, 2019 was admitted as Exhibit A-46A and revised TIS dated May 15, 2020 was admitted as Exhibit A-46.B. N.T. 8/3/2020 at p. 232.

70. The most recent traffic counts analyzed in the TIS were conducted in October of 2019 before Orvis Way was dedicated to the Township and open for vehicular traffic. N.T. 9/14/2020 at p. 383, 455.
71. Based on the most recent traffic counts conducted in October of 2019, an estimated 1,432 vehicles will use the intersection of the Connector Road and Route 926 in a 24-hour period. N.T. 9/14/2020 at p. 440.
72. The distance between the intersection of the Connector Road and W. Pleasant Grove Road and the western most exit driveway for the Westminster Church is approximately 50-60 feet. N.T. 11/17/2020 at p. 696.
73. The Connector Road intersects Route 926 directly opposite Bridlewood Boulevard. Exhibit A-65; N.T. 1/30/2020 at p. 233-34.
74. The Second CU Plans remove an access driveway from Route 202. Exhibit A-65; N.T. 1/30/2020 at p. 234.
75. In addition to the Connector Road, the Second CU Plans propose two access driveways west of the Connector Road on W. Pleasant Grove Road which are labeled “Road K” and “Road M” on the Second CU Plans. Exhibit A-65; N.T. 1/30/2020 at p. 234.
76. Applicant will be required to obtain a highway occupancy permit from PennDOT for the intersection improvements proposed at Route 202/926, the Connector Road/Route 926, S. New Street/Route 926, Route 202/W. Pleasant Grove Road and Route 202/Skiles Blvd (collectively the “PennDOT controlled intersections”).
77. PennDOT will determine what road improvements are necessary at the PennDOT controlled intersections through the issuance of highway occupancy permits with consultation and input from the Township. N.T. 8/31/2020 at p. 254.
78. PennDOT reviewed the TIS and issued review letters dated October 11, 2019 (Exhibit B-60) and December 30, 2019 (Exhibit B-67). N.T. 8/31/2020 at p. 289-290.
79. PennDOT commented in its review letter dated December 30, 2019 (Exhibit B-60) that Applicant must provide “[s]ide-by-side eastbound and westbound left turn lanes . . . on W. Pleasant Grove Road between the Collector Road and Orvis Road.” Exhibit B-60; N.T. 8/31/2020 at p. 290.
80. In response to PennDOT’s and the Township traffic engineer’s comments, Applicant prepared a sketch plan that depicts a full roundabout at the intersection of W. Pleasant Grove Road and the Connector Road which plan

was admitted as Exhibit A-55. N.T. 8/31/2020 at p 290; N.T., 11/17/2020 at p. 674.

81. Applicant is able to build the full roundabout as depicted on Exhibit A-55 within the boundaries of the Property. N.T. 8/31/2020 at p 294.
82. A full roundabout in lieu of a two way stop intersection as depicted on the Second CU Plans will reduce the incidence of crashes at this intersection. N.T. 8/31/2020 at p. 290-291.
83. Applicant also prepared a sketch plan that depicts a mini roundabout at the intersection of W. Pleasant Grove Road and the Connector Road which plan was admitted as Exhibit A-56. N.T. 8/31/2020 at p. 290.
84. According to Ms. Kline, 2% of the vehicles which would use the mini roundabout would not be able to navigate the center island of the roundabout and would have to travel over the center island. N.T. 8/31/2020 at p. 292; 9/14/2020 at p. 437.
85. The Board has the discretion to approve the disturbance of more than 50% of secondary conservation areas pursuant to Section 170-1617.C of the Ordinance to allow reasonable uses of the land, which includes construction of the full roundabout. N.T. 11/17/2021, at p. 677.
86. The Board may authorize the disturbance and removal of vegetation in environmentally sensitive areas if necessary to build the full roundabout pursuant to Section 170-404.A(2) of the Ordinance.
87. The installation of traffic calming measures such as speed tables on W. Pleasant Grove Road as depicted in Exhibit A-57 are appropriate to help maintain speeds and improve safety of the new access driveways off of W. Pleasant Grove Road proposed on the Second CU Plans. N.T. 2/23/2021 at p. 991.
88. In order to meet the minimum sight distance criteria at the intersections of the Collector Road/W. Pleasant Grove Road, the Collector Road/Route 926, Road K/W. Pleasant Grove Road, and Road M/W. Pleasant Grove Road, it is necessary for Applicant to perform regrading at these intersections as depicted in Exhibits B-85, B-86, B-87, B-88.
89. The Second CU Plans do not depict the necessary regrading that is necessary to achieve safe sight distance at the intersections of the Collector Road/W. Pleasant Grove Road, the Collector Road/Route 926, Road K/W. Pleasant Grove Road, and Road M/W. Pleasant Grove Road. N.T. 8/31/2020 at p.299-300; Exhibit A-65.

90. Providing clear sight distance at an intersection is necessary in order for the intersection to be safe and to avoid a traffic hazard. N.T. 8/31/2020 at p. 302.
91. Applicant must implement the reprofiling depicted in Exhibit A-58.A to provide safe sight distance at the intersection of Route 926 and the Connector Road. N.T. 8/31/2020 at p. 298-302.
92. Applicant must implement the reprofiling depicted in Exhibits A-58.B to provide safe sight distance at the intersection of W. Pleasant Grove Road and Road K. N.T. 8/31/2020 at p. 298-302.
93. Applicant must implement the reprofiling depicted in Exhibit A-58.C to provide safe sight distance at the intersection of W. Pleasant Grove Road and the Road M. N.T. 8/31/2020 at p. 298-302.
94. Applicant must implement the reprofiling depicted in Exhibit A-58.D to provide safe sight distance at the intersection of W. Pleasant Grove Road and the Connector Road. N.T. 8/31/2020 at p. 298-302.
95. The Second CU Plans do not depict the necessary reprofiling of the respective roads at the intersections of the Collector Road/W. Pleasant Grove Road, the Collector Road/Route 926, Road K/W. Pleasant Grove Road, and Road M/W. Pleasant Grove Road in order to provide clear sight distance. N.T. 8/31/2020 at p. 299-300.
96. Applicant does not own or control the land necessary to achieve safe sight distance at the intersection of W. Pleasant Grove Road and the Connector Road and must obtain an easement from the Westminster Church in order to provide safe sight distance. N.T. 8/31/2020 at p. 305.
97. Applicant is responsible for all road improvements necessary for safe access to the proposed development. N.T. 8/31/2020 at 242.
98. The Second CU Plans may be revised to eliminate the intersection of Road M and W. Pleasant Grove Road without compromising traffic safety or creating a traffic hazard. N.T. 8/31/2020 at 307.
99. Albert Federico, P.E. the Township's traffic engineer, testified as an expert in transportation and traffic engineering at the hearings based on the credentials in his curriculum vitae admitted as Exhibit PC-27. N.T. 2/23/2021 at p. 964.
100. Mr. Federico reviewed the Second CU Plans, the Revised Alternate Plan, and the TIS, as updated, and issued review letters dated January 29, 2020,

March 13, 2020, May 13, 2020, and July 2, 2020, which were admitted as Exhibits A-43A, 43B, 43C and 43D, respectively. N.T. 2/23/2021 at p. 966.

101. The sight distance at the intersection of the Connector Road and Route 926 as depicted on the Second CU Plans is less than the required Township and PennDOT standard. N.T. 2/23/2021 at p. 971-973.
102. Applicant has not revised the Second CU Plans to address this deficiency in sight distance. N.T. 2/23/2021 at p. 975.
103. The sight distance at the intersection of the Connector Road and W. Pleasant Grove Road as depicted on the Second CU Plans is less than the required Township and PennDOT standard. N.T. 2/23/2021 at p. 977.
104. Applicant has not revised the Second CU Plans to address the deficiency in sight distance at the intersection of the Connector Road and W. Pleasant Grove Road. N.T. 2/23/2021 at p. 977.
105. Road F as depicted on Exhibit A-74.B was designed with a dip in the road which does not meet sight distance requirements for a local road. N.T. 2/23/2021 at p. 979-980.
106. The intersection of Road G and Road F as depicted on Exhibit A-74.C is designed with a sharp 90 degree turn which does not meet sight distance requirements for a local road. N.T. 2/23/2021 at p. 981.
107. The intersection of Road L at Road K does not provide adequate sight distance for vehicles exiting from Road L onto Road K because of a steep vertical crest in the road. N.T. 2/23/2021 at p. 981-982.
108. Eliminating Road M as an access point to W. Pleasant Grove Road minimizes conflicts points along W. Pleasant Grove Road. N.T. 2/23/2021 at p. 984.

E. Sewer Service for Proposed Development

109. Fred Ebert, a professional engineer retained by Applicant to analyze the feasibility of connecting the development to both an onsite community sewer system and the Township's public sewer system, testified as an expert in wastewater engineering and permitting. N.T. 10/22/2020 at p. 526-27.
110. Mr. Ebert prepared a Wastewater Engineering Report dated September 10, 2020, which was admitted as Exhibit A-63 and which identified three different wastewater treatment process options for use in the proposed development. All three options proposed drip irrigation on the Property for disposal. Exhibit A-63; N.T. 10/22/2020 at p. 531.

111. If Applicant installs an on-site community sewer system, the preferred method is a sequential batch reactor method because it offers the highest level of treatment, is the most common type of onsite system used in Chester County and professional operators are familiar with how to operate such system. N.T. 10/22/2020 at 544- 545.
112. Mr. Ebert prefers that the development connect to the Township's public sanitary sewer service. N.T. 10/22/2020 at p. 556.
113. The Township sewer engineer, William N. Malin, P.E., agrees that the preferred method for sewer treatment for the development is connecting to the Township's public sewer system. N.T. 10/22/2020 at p. 555; Exhibit PC-15, Exhibit B-55.
114. Mr. Ebert testified that the Pennsylvania Department of Environmental Protection ("PaDEP") would also prefer that the development be connected to the Township's public sewer system and that all necessary permits to do so could be obtained. N.T. 10/22/2020 at p. 558.
115. The Township owns adequate sewer capacity to connect the development to the West Goshen Township Sewer Treatment Plant. N.T. 10/22/2020 at p. 541.
116. The preferred route for the development to connect to the Township's public sewer system is depicted on Exhibit A-64. N.T. 10/22/2020 at p. 538-539.
117. All upgrades and sewer improvements necessary to connect the development to the Township's sewer system must be completed by Applicant. N.T. 10/22/2020 at p. 542.

II. Proposed Conclusion of Law.

- A. Applicant has standing to file and prosecute the Second Conditional Use Application.
- B. The Planning Commission has standing to appear as a party to the Hearing.
- C. The Property is eligible for development pursuant to the Flexible Development Procedure.
- D. The Board of Supervisors has power and authority to approve a reduction in the mandatory separation between townhomes from sixty feet (60') to thirty feet (30') pursuant to Section 170-904. E.(2)(1)(d) of the Zoning Ordinance.

- E. Applicant bore the initial burden of proof with regard to the compliance of Applicant's proposed development of the Property (as depicted on Exhibit A-65) with the criteria applicable to the Flexible Development Procedure as set forth in the Zoning Ordinance. *See In Re Appeal of Thompson*, 896 A.2d 659 (Pa. Cmwlth. Ct. 2006).
- F. Only if Applicant met its initial burden of proof, as aforesaid, did any burden shift to the Planning Commission (or any other party) to present evidence that the proposed development of the Property (as depicted on Exhibit A-65) will have a detrimental effect on the public health, safety, and welfare. *See id.* at 670.
- G. Applicant has failed to adequately demonstrate that the proposed development depicted on Exhibit A-65 and on the Revised Alternate Plan does not unreasonably or significantly affect the values protected by Article 1, Section 27 of the Pennsylvania Constitution known as the Environmental Rights Amendment- that is “the right to clean air, pure water and preservation of natural, scenic, historic and esthetic values of the environment.”
- H. As to the plans marked as Exhibit A-65 and the Revised Alternate Plan, Applicant is not entitled to conditional use approval for the following reasons:
1. Applicant did not demonstrate compliance with Section 170-905.A(1)(j) of the Ordinance by taking into consideration in the design of the development full protection of the historic resource located on the southwestern portion of the Property which is delineated as the Brandywine Battlefield Swath by the Chester County Planning Commission and as a historic resource on the Township’s Historic Resource Map.
 2. Applicant did not demonstrate compliance with Section 170-905.A(1)(l) of the Ordinance by taking into consideration in the design of the development the full protection of the scenic views of the Property from Route 926 and S. New Street.
 3. The Second CU Plans do not demonstrate compliance with Sections 170-905.C and by reference Section 170-1510.B(4) of the Ordinance by providing access driveways which provide clear sight distances which are designed in a manner conducive to safe exit and entrance.
 4. Applicant did not demonstrate compliance with Sections 170-907.A.1 and 170-2009.D(1)(b) of the Ordinance by laying out the development and areas of open space in the development in a manner that is consistent with the Township's 2019 Comprehensive Plan, specifically the Historic Resources Plan, (Exhibit PC-22), the Future Land Use Plan (Exhibit PC-23) and the Trails and Bikeways Plan (Exhibit PC-24).

5. Applicant did not demonstrate compliance with Section 170-2009.B(3)(d) of the Ordinance by providing sufficient information in the preliminary site grading and road profiles to prove that the proposed stormwater basins will be located outside of the minimum 75-foot riparian buffer.
6. Applicant did not demonstrate compliance with Section 170-2009.D(1)(h) of the Ordinance by proving that the proposed development will not result in or substantially add to a significant traffic hazard or significant traffic congestion and that the peak traffic generated by the development shall be accommodated in a safe and efficient manner- specifically due to the fact that the Second CU Plans and Revised Alternate Plan do not show the necessary grading to provide adequate sight distances at the following intersections: (i) Collector Road and W. Pleasant Grove; (ii) Road M and W. Pleasant Grove Road; and (iii) the Collector Road and Route 926.

- I. In the event that the Board of Supervisors approves the Second Conditional Use Application and the Plans identified as Exhibit A-65, notwithstanding Applicant's failure to demonstrate compliance with the criteria applicable to the Flexible Development Procedure as set forth in the Ordinance, the Board of Supervisors may impose conditions on that approval to mitigate any potential adverse impacts from the proposed use, and is required to reduce the negative impacts to an acceptable level (if it can) by imposing such conditions. *See In re: Appeal of Maibach*, 26 A.3d 1213 (Pa. Cmwlt. Ct. 2011).

III. Conditions. In the event that the Board of Supervisors approves the Second Conditional Use Application and the Second CU Plans identified as Exhibit A-65, notwithstanding the deficiencies noted above, the Planning Commission respectfully requests that the Board of Supervisors impose the conditions set forth in its letter dated December 19, 2019 admitted as Exhibit B-64, a copy of which is attached hereto as **Exhibit “B”**. The Planning Commission prefers the Revised Alternate Plan and if approved by the Board, the Planning Commission respectfully requests that the Board of Supervisors impose the conditions set forth in its letter dated July 14, 2020 admitted as Exhibit B-71, a copy of which is attached hereto as **Exhibit “C”**.

Date: August 11, 2021

Respectfully submitted,

BUCKLEY, BRION,
McGUIRE & MORRIS LLP

By: _____
Kristin S. Camp

EXHIBIT A

**BUCKLEY, BRION,
MCGUIRE & MORRIS LLP**
By: Kristin S. Camp, Esquire
Attorney I.D. No. 74593
By: Michael S. Gill, Esquire
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ATTORNEYS FOR PARTY
TOWNSHIP OF WESTTOWN
PLANNING COMMISSION

IN RE: : BOARD OF SUPERVISORS
CONDITIONAL USE APPLICATION OF : TOWNSHIP OF WESTTOWN
TOLL PA XVIII, L.P. :
PURSUANT TO : APPLICATION NO. _____
ARTICLE IX, SECTION 170-900 OF :
THE TOWNSHIP OF WESTTOWN :
ZONING ORDINANCE :

**TOWNSHIP OF WESTTOWN PLANNING COMMISSION'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Township of Westtown Planning Commission (the "Planning Commission"), by and through its undersigned counsel, Kristin S. Camp, Esquire, Michael S. Gill, Esquire, and Buckley, Brion, McGuire & Morris LLP, hereby submits these Proposed Findings of Fact and Conclusions of Law, and states as follows:

I. Proposed Findings of Fact.

A. Parties and Standing; Zoning Classification.

1. The Applicant (the "Applicant") is Toll PA XVIII, L.P. Exhibit B-6.
2. The real property which is the subject of this matter (the "Subject Property") is comprised of eleven (11) tax parcels and is known to the Board of Assessment of Chester County as the following tax map parcel numbers, respectively. Exhibit B-4; Exhibit B-6; N.T., 2/22/17 at 4.
 - a. Tax Map Parcel No. 67-4-29.
 - b. Tax Map Parcel No. 67-4-29.1.
 - c. Tax Map Parcel No. 67-4-29.2.
 - d. Tax Map Parcel No. 67-4-29.3.
 - e. Tax Map Parcel No. 67-4-29.4.

- f. Tax Map Parcel No. 67-4-30.
 - g. Tax Map Parcel No. 67-4-31.
 - h. Tax Map Parcel No. 67-4-32.
 - i. Tax Map Parcel No. 67-4-33.
 - j. Tax Map Parcel No. 67-4-33.1.
 - k. Tax Map Parcel No. 67-4-134.
3. The Subject Property is known, commonly, as Crebilly Farm. Exhibit B-6; N.T., 2/22/17 at 4.
 4. Crebilly Farm Family Associates, L.P., David M. Robinson, Laure S. Robinson, and David G. Robinson are the record owners of the Subject Property. Exhibit B-6; Exhibit A-4; N.T., 2/22/17 at 4.
 5. The Applicant is the equitable owner of the Subject Property. Exhibit A-5.
 6. The Subject Property is located in the southwest corner of the Township. Exhibit A-3; N.T., 2/22/17 at 122.
 7. The Subject Property is bounded on the north by West Pleasant Grove Road.
 8. The Subject Property is bounded on the south by Pennsylvania Route 926 (a/k/a Street Road) (“Route 926”). Exhibit A-3; N.T., 2/22/17 at 122.
 9. The Subject Property is bounded on the east by Pennsylvania Route 202 (a/k/a Wilmington Pike) (“Route 202”). Exhibit A-3; N.T., 2/22/17 at 122.
 10. The Subject Property is bounded on the west by South New Street. Exhibit A-3; N.T., 2/22/17 at 122.
 11. The area of the Subject Property measures 322.26 acres, more or less. N.T., 2/22/17 at 122.
 12. Most of the Subject Property is *situate* within the Township’s A/C – Agricultural/Cluster Zoning District (the “A/C Zoning District”), while a portion of the Subject Property is *situate* within the Township’s R-1 Residential Zoning District (the “R-1 Zoning District”).
 13. Pursuant to the Township Zoning Ordinance (the “Zoning Ordinance”), real property *situate* within the A/C Zoning District or the R-1 Zoning District may be developed pursuant to the Flexible Development Procedure as set

- forth at Article IX of the Zoning Ordinance (the “Flexible Development Procedure”). Exhibit B-5.
14. The Applicant filed with the Township a certain Conditional Use Application (the “Conditional Use Application”). Exhibit B-6.
 15. Pursuant to the Conditional Use Application, the Applicant sought Conditional Use Approval to redevelop the Subject Property pursuant to the Flexible Development Procedure. Exhibit B-6.
 16. Though the Conditional Use Application included references to various site layout options with regard to redevelopment of the Subject Property, the only of those options for which the Conditional Use Application was administratively complete is that referred to therein as Plan A. Exhibit B-6; Exhibit B-10.
 17. The Board of Supervisors conducted a hearing with regard to the Conditional Use Application (the “Hearing”) on the following dates:
 - a. February 22, 2017.
 - b. March 29, 2017.
 - c. April 19, 2017.
 - d. May 23, 2017.
 - e. June 20, 2017.
 - f. July 25, 2017.
 - g. August 29, 2017.
 - h. September 19, 2017.
 - i. October 24, 2017.
 - j. November 27, 2017.
 18. The Applicant did not present during the Hearing any plans for development pursuant to the Flexible Development Procedure other than those marked at Exhibit A-3, Exhibit A-6, and Exhibit A-7, respectively.
 19. The Planning Commission is the “planning agency” within the Township, as that term is defined at Section 107 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10107.

B. Site Layout and Design.

20. The Applicant presented testimony by Emily Stewart, RLA, AICP. Exhibit A-1; N.T., 2/22/17 at 114-174.
21. The Board of Supervisors accepted Ms. Stewart as an expert witness in the field of land planning. N.T., 2/22/17 at 119.
22. The Planning Commission presented testimony by Mr. John Snook. Exhibit PC-19; N.T., 9/19/17 at 1367-1428.
23. The Board of Supervisors accepted Mr. Snook as an expert witness in the field of land planning.
24. Ms. Stewart is employed by ESE Consultants, Inc. ("ESE Consultants"). Exhibit A-1; N.T., 2/22/17 at 120.
25. The Subject Property is characterized by slopes which measure in excess of twenty-five percent (25%) (collectively, the "Slope Areas"). N.T., 2/22/17 at 125-26
26. The Slope Areas are dispersed throughout the Subject Property but, generally, lay along water courses along Route 926 and at the northeast corner of the intersection of Route 926 and South New Street. Exhibit A-3; N.T., 2/22/17 at 125-26.
27. The Slope Areas measure 1.74 acres, more or less.
28. In addition to the Slope Areas, certain other primary conservation resources are present at the Subject Property including, without limitation, wetlands and floodplain (collectively, the "Primary Conservation Resources"). Exhibit A-3; N.T., 2/22/17 at 129-30.
29. The Subject Property is also characterized by certain secondary conservation resources including, without limitation, woodline, woodlands, tree lines, large specimen trees with diameter measuring greater than eighteen inches (18"), scenic views, seasonal high water table, adjacent parkland, and adjacent trails (collectively, the "Secondary Conservation Resources"). Exhibit A-3; N.T., 2/22/17 at 129-30.
30. As calculated by the Applicant, the area of the Secondary Conservation Resources measures 27.28 acres, more or less. N.T., 2/22/17 at 130.

31. The Primary Conservation Resources and the Secondary Conservation Resources are more fully depicted on Exhibit A-3. Exhibit A-3.
32. When identifying and calculating areas of the Secondary Conservation Resources, the Applicant did not take into account scenic views of the Subject Property relative to the Battle of Brandywine. N.T., 9/19/17 at 1382-86.
33. The Applicant proposes to redevelop the Subject Property pursuant to the Flexible Development Procedure in order to construct 317 new dwelling units at the Subject Property (collectively, the “New Dwelling Units”). Exhibit A-3; Exhibit A-6; N.T., 2/22/17 at 146.
34. The Applicant proposes to retain at the Subject Property two (2) existing single-family dwelling units such that, upon full build-out of the New Dwelling Units, there would be 319 dwelling units at the Subject Property. Exhibit A-3; Exhibit A-6; N.T., 2/22/17 at 146.
35. Two hundred of the New Dwelling Units will be single-family dwelling units, while 117 of the New Dwelling Units will be townhome style dwelling units. Exhibit B-6; Exhibit A-6.
36. The Applicant did present at the Hearing a plan on which there is depicted thirty feet (30’) of separation between the townhome style dwelling units instead of the sixty feet (60’) of separation which is depicted on Exhibit A-3 and Exhibit A-6. Exhibit A-7; N.T., 2/22/17 at 150-51.
37. The Board of Supervisors finds credible, and agrees with, Mr. Snook’s testimony that a sixty foot (60’) separation between townhome style dwelling units at the Subject Property “simply forces the buildings to occupy more land and, therefore, [results in] less open space.” N.T., 9/9/17 at 1374.
38. The reduction in separation between the townhome style dwelling units as depicted on Exhibit A-7 would allow the Applicant to be “able to provide more efficient use of the land by clustering [townhome] units closer together and provid[ing] a larger contiguous area of open space [along] Route 202 . . .” N.T., 2/22/17 at 151.

39. Redevelopment of the Subject Property as depicted on Exhibit A-7 would be more innovative and preferred when compared to the redevelopment of the Subject Property as depicted on Exhibit A-3 and Exhibit A-6.
40. The areas of the Subject Property at which the New Dwelling Units, and infrastructure in support thereof, will be constructed are outside of the Primary Conservation Resources, but include portions of the Secondary Conservation Resources. Exhibit A-3; Exhibit A-6; N.T., 2/22/17 at 132-37.
41. A portion of the Secondary Conservation Resources which the Applicant will destroy in order to construct certain of the townhome style New Dwelling Units is characterized by mature woodlands along the Subject Property's West Pleasant Grove Road frontage. Exhibit A-3; N.T., 3/29/17 at 226.
42. The passive and active recreation areas to be included within the Applicant's redevelopment of the Property are as depicted on Exhibit A-3 (collectively, the "Open Space and Recreation Areas"). Exhibit A-3; N.T., 2/22/17 at 153-154.
43. The Open Space and Recreation Areas include trails and sidewalks which the Applicant will create from existing driveways and paths at the Subject Property, or otherwise construct anew. Exhibit A-3; N.T., 2/22/17 at 153-154.
44. The Applicant intends to create a homeowners' association with regard to the residential development which is the subject of the Conditional Use Application (the "Homeowners' Association").
45. The Open Space and Recreation Areas will be owned, operated, and maintained by the Homeowners' Association.
46. The Applicant proposes to construct trails and sidewalks as part of the Applicant's redevelopment of the Subject Property. N.T., 2/22/17 at 140.
47. The Applicant, through Ms. Stewart's testimony, expressed its willingness to construct a berm along the Subject Property's West Pleasant Grove frontage from a point opposite Hidden Pond Way to a point approximately

350' west of the intersection of West Pleasant Grove Road and Dunvegan Road. N.T., 3/29/17 at 238.

48. On December 9, 2016, the Township Engineer wrote a review letter with regard to the Conditional Use Application (the "December 2016 Review Letter"). Exhibit A-10.
49. On behalf of the Applicant, ESE Consultants issued a letter in response to the December 2016 Review Letter (the "ESE Consultants Response Letter"). Exhibit A-11.
50. Ms. Stewart stated her opinion that the ESE Consultants Response Letter "adequately addressed the zoning issues [which] were cited in the" December 2016 Review Letter. N.T., 2/22/17 at 160.
51. Ms. Stewart was not offered (or accepted) as an expert witness in any field other than land planning.
52. The Board of Supervisors does not find as credible any testimony by Ms. Stewart with regard to any non-land planning issues set forth in the December 2016 Review Letter.
53. Though the Applicant "has taken note of" Comment Number 6 in the December 2016 Review Letter, and "will consider [that comment] during the land development process[,]" the Applicant did not present during the Hearing any testimony or documentary evidence with regard to the architectural design of the New Dwelling Units. N.T., 2/22/17 at 166.
54. The Applicant sought to defer to the land development phase of redevelopment of the Subject Property resolution of Comment Number 14 in the December 2016 Review Letter. N.T., 2/22/17 at 167.
55. The Applicant sought to defer to the land development phase of redevelopment of the Subject Property resolution of Comment Number 21 in the December 2016 Review Letter. N.T., 2/22/17 at 169-70.
56. The Applicant sought to defer to the land development phase of redevelopment of the Subject Property resolution of Comment Number 22 in the December 2016 Review Letter. N.T., 2/22/17 at 170.

57. Though Ms. Stewart is aware that the Township Comprehensive Plan and the Township Growth Management Plan contemplate a direct connector road through the Subject Property from West Pleasant Grove Road to Route 926, she testified that the roadway network depicted on Exhibit A-3 and Exhibit A-6 is inconsistent with that contemplation. N.T., 3/29/17 at 224.
58. The Board of Supervisors finds credible Mr. Snook's testimony with regard to the non-compliance of the plan marked as Exhibit A-3 with the Comprehensive Plan and the Zoning Ordinance. N.T., 9/19/17 at 1387-89.
59. The Applicant presented testimony by Jeffrey Madden, P.E. Exhibit A-12; N.T., 2/22/17 at 176-193.
60. The Board of Supervisors accepted Mr. Madden as an expert witness in the field of civil engineering and site design. N.T., 2/22/17 at 178.
61. Mr. Madden is employed by ESE Consultants. Exhibit A-12; N.T., 2/22/17 at 178.
62. Mr. Madden prepared the Stormwater Management Narrative which is marked as Exhibit A-13. Exhibit A-13; N.T., 2/22/17 at 180.
63. Under existing conditions, stormwater from all but approximately ten (10) acres of the Subject Property drains toward the west to a culvert under South New Street, and the remainder of the stormwater which flows from the Subject Property drains to the east to a culvert under Route 202. N.T., 2/22/17 at 180.
64. Though Mr. Madden testified that the Applicant will decide "during the land development process" what best management practices to implement, he offered his opinion that "the overall stormwater management system will control the required rate and volume of both the township and DEP regulations." N.T., 2/22/17 at 187.
65. Mr. Madden further testified that the Applicant would, during the land development process, analyze the feasibility of the Applicant's compliance with comments which Cedarville Engineering, Inc. offered in its letter marked as Exhibit B-25. N.T., 2/22/17 at 187.

66. Mr. Madden was unable to “state right now how [water quality] will be maintained or will be done[]” but, instead, stated only that “we have rules.” N.T., 3/29/17 at 279.
67. Mr. Madden testified that the Applicant did not do any testing to establish the levels of nitrates or Total Suspended Solids within either watercourse to which stormwater from the Subject Property flows. N.T., 3/29/17 at 331-32.
68. The Board of Supervisors concludes that the Applicant is unable to confirm whether it will meet Township requirements with regard to the reduction of nitrates and Total Suspended Solids within either watercourse to which stormwater from the Subject Property will flow in the post-development condition.
69. The Board of Supervisors finds Mr. Madden’s testimony with regard to stormwater management for the Applicant’s proposed redevelopment of the Subject Property to amount to nothing more than a promise to deal with that issue during the land development phase of this matter.
70. The Board of Supervisors finds Mr. Madden’s testimony with regard to stormwater management for the Applicant’s proposed redevelopment of the Subject Property to be conclusory and unsupported by the Record, and does not find that testimony credible.

C. Sanitary Sewer.

71. The Applicant presented testimony by Paul S. Scott. Exhibit A-16; N.T., 3/29/17 at 345.
72. The Board of Supervisors accepted Mr. Scott as an expert witness in the field of hydrogeology. N.T., 3/29/17 at 345.
73. The Applicant did not offer, and the Board of Supervisors did not accept, Mr. Scott as an expert in the fields of wastewater treatment or wastewater disposal. N.T., 3/29/17 at 358.
74. The Board of Supervisors does not credit any portion of Mr. Scott’s testimony which is with regard to wastewater treatment or wastewater disposal.

75. Mr. Scott testified that, with regard to stormwater management for the Applicant's proposed redevelopment of the Subject Property, his firm evaluated infiltration properties at the Subject Property and found the tested portions of the site to be "suitable" for stormwater infiltration. N.T., 3/29/17 at 348.
76. Mr. Scott further testified that, with regard to wastewater disposal, his firm "evaluated aquifer permeability, infiltration rates, soil structure and texture" at the northwestern portion of the Subject Property. N.T., 3/29/17 at 348.
77. Mr. Scott testified that the northwestern corner of the Subject Property where his firm conducted test pits and borings is "feasible for a drip irrigation system." Exhibit A-23; N.T., 3/29/2017 at 350; N.T., 4/19/17 at 413-14.
78. The Applicant did not investigate, and was unable to offer evidence with regard to, any potential problems associated with placement of a drip irrigation wastewater disposal system proximate to a stormwater management basin. N.T., 3/29/17 at 395.
79. The Applicant was unable to offer any assurance that residents at the New Dwelling Units will not enter upon areas to be designated as drip irrigation wastewater disposal areas. N.T., 3/29/17 at 399.
80. The Applicant presented testimony by Frederick Ebert, P.E. Exhibit A-23; N.T., 4/19/17 at 425.
81. The Board of Supervisors accepted Mr. Ebert as an expert witness in the field of wastewater engineering and permitting. N.T., 4/19/17 at 425.
82. Mr. Ebert testified with regard to three (3) methods of on-site wastewater treatment, as follows:
 - a. Sequential Batch Reactor.
 - b. MLE or Modified Bardenpho
 - c. Biologically Engineered Single Sludge Treatment. N.T., 4/19/17 at 420-23.

83. Mr. Ebert further testified that, of the three (3) foregoing methods of on-site wastewater treatment, his preference for use at the Subject Property is the Sequential Batch Reactor method. N.T., 4/19/17 at 440.
84. The drip irrigation method of wastewater disposal requires the use of an effluent storage tank. N.T., 4/19/17 at 435.
85. Mr. Ebert further testified that the drip irrigation method of wastewater disposal works during winter months. N.T., 4/19/17 at 435.
86. A Community On-Lot Disposal System of the type which Mr. Ebert described must be operated and maintained by a licensed professional operator. N.T., 4/19/17 at 439.
87. Mr. Ebert further testified that it is always his recommendation that, if feasible, new developments should connect to public sanitary sewer service. N.T., 4/19/17 at 441-42.
88. Connection to public sanitary sewer service is “significantly less expensive” than use of a Community On-Lot Disposal System. N.T., 4/19/17 at 442.
89. The Applicant’s consultant testified that he supports the recommendation which the Township’s sanitary sewer consultant made that the Applicant connect the Subject Property to the Township owned and operated wastewater collection, conveyance, and treatment system. N.T., 4/19/17 at 443.
90. The Planning Commission presented testimony by William N. Malin, P.E. Exhibit PC-15; N.T., 8/29/17 at 1229-64.
91. The Board of Supervisors accepted Mr. Malin as an expert witness in the field of wastewater engineering. N.T., 8/29/17 at 1230.
92. Mr. Malin is employed by Carroll Engineering Corporation. Exhibit PC-15; N.T., 8/29/17 at 1229.
93. Carrol Engineering Corporation serves as the Township’s wastewater consultant. N.T., 8/29/17 at 1231.
94. In the event that the Applicant elects to proceed with an on-site drip irrigation system for wastewater disposal, Mr. Malin would not recommend that the Township take ownership of such system. N.T., 8/29/17 at 1237.

95. The Board of Supervisors agrees with, and finds credible, Mr. Malin's testimony that connection of the Subject Property to the Township-owned and operated wastewater collection, conveyance, and treatment system would be more beneficial for the Township and the Applicant than a separate community treatment system at the Subject Property. N.T., 8/29/17 at 1233-34.
96. The Board of Supervisors agrees with, and finds credible, Mr. Malin's testimony "that the cost for the planning, design, permitting, and construction for the wastewater facilities would be less connecting to the public sewers than if the on-site community system was used." N.T., 8/29/17 at 1234-35.
97. In the event that the Applicant connects the Subject Property to the Township-owned and operated wastewater collection, conveyance, and treatment system, that connection should be made at a point in Tower Course Drive. N.T., 8/29/17 at 1239.
98. In the event that the Applicant connects the Subject Property to the Township-owned and operated wastewater collection, conveyance, and treatment system, the Applicant will need to complete upgrades to the Pleasant Grove Pump Station, though the scope of those upgrades is unknown at this time. N.T., 8/29/17 at 1239, 1256.
99. In the event that the Applicant complete upgrades to the Pleasant Grove Pump Station in order to facilitate the Applicant's connection of the Subject Property to the Township-owned and operated wastewater collection, conveyance, and treatment system, the Township would be able to connect the Arborview development (across West Pleasant Grove Road) to the Pleasant Grove Pump Station at no additional cost to the Applicant. N.T., 8/29/17 at 1241.

D. Historic Preservation.

100. The Applicant presented testimony by Mr. Robert Wise. Exhibit A-18; N.T., 4/19/17 at 530.

101. The Board of Supervisors accepted Mr. Wise as an expert witness in the field of historic preservation and planning. N.T., 4/19/17 at 531.
102. The Planning Commission presented testimony by Mr. Michael Harris. N.T., 8/29/17 at 1267-1304.
103. The Board of Supervisors accepted Mr. Harris as an expert on the Battle of Brandywine. N.T., 8/29/17 at 1270.
104. The Planning Commission presented testimony by Mr. Sean Moir. Exhibit PC-16; N.T., 8/29/17 at 1304-1355.
105. The Board of Supervisors accepted Mr. Moir as an expert in the field of mapping of historic events. N.T., 8/29/17 at 1315.
106. Mr. Wise testified with regard to historic resources located at the Subject Property, as well as his opinion as to the role which the Subject Property played in the Battle of Brandywine.
107. Mr. Wise prepared a letter dated December 13, 2016 with regard to historic resources located at the Subject Property. Exhibit A-19.
108. The entirety of the Subject Property is eligible for listing on the National Register of Historic Places as a “gentleman’s farm.”
109. Redevelopment of the Subject Property in the manner which the Applicant proposes pursuant to the Conditional Use Application would “delete the eligibility” of the Subject Property for listing on the National Register of Historic Places. N.T., 4/19/17 at 556.
110. An examination of the manner in which to mitigate the adverse impacts of development upon historic resources would “be within the normal purview of an historic planner.” N.T., 4/19/17 at 559.
111. Despite that, Mr. Wise did not consider the manner in which the Applicant could mitigate the adverse effects which redevelopment of the Subject Property would have upon the Subject Property’s eligibility for listing on the National Register of Historic Places. N.T., 4/19/17 at 558-59.
112. One structure at the Subject Property is eligible for individual listing on the National Register of Historic Places; *to wit*, the serpentine structure located near the northwest corner of the intersection of Route 202 and Route 926

and known as the Darlington Tavern (the "Darlington Tavern Structure").
N.T., 4/19/17 at 537.

113. The Applicant will retain the Darlington Tavern Structure.
114. Upon completion of the 202/926 Improvements (as hereinafter defined), the cartway of Route 926 will be not less than twelve feet (12') closer to the Darlington Tavern Structure than it is under existing conditions. N.T., 5/23/17 at 689.
115. Roadway improvements at the intersection of Route 202 and Route 926 "would likely have an adverse impact upon the" Darlington Tavern Structure. N.T., 4/19/17 at 565.
116. Despite that, Mr. Wise did not consider ways to mitigate the adverse impacts of the Applicant's redevelopment of the Subject Property upon the Subject Property's eligibility for listing on the National Register of Historic Places. N.T., 4/19/17 at 567.
117. Mr. Wise testified that "if [the Darlington Tavern Structure] was moved a hundred feet back . . . or something, so it's just off the road, that might be a good way of addressing [the] adverse effect []" upon the Darlington Tavern Structure. N.T., 4/19/17 at 567.
118. There are four (4) areas of historic resources at the Subject Property, including an area referred to as the "Joshua Hunt Property" and another area referred to as the "Eli Hunt Property." N.T., 4/19/17 at 553.
119. The Joshua Hunt Property "will be parceled out, so it will not be part of" the Applicant's redevelopment of the Subject Property. N.T., 4/19/17 at 539.
120. The only structure at the Joshua Hunt Property which will be demolished is "the former springhouse [which] dates to the early 1800's, but then [] was enlarged as a residence." N.T., 4/19/17 at 539.
121. Except for "the barn and the springhouse" at the Eli Hunt Property, the Applicant will destroy all of the existing structures at the Eli Hunt Property. N.T., 4/19/17 at 539.

122. The “equestrian center [at the Subject Property] is going to be partly used for a community center” associated with the Applicant’s redevelopment of the Subject Property. N.T., 4/19/17 at 540.
123. Though Mr. Wise was able to testify about the Applicant’s intentions with regard to the disposition of some resources at the Subject Property, he was “not exactly sure of the final plans” which the Applicant has for those resources.
124. Mr. Wise testified with regard to evolving understandings of the extent of real property in the region which was associated with the Battle of Brandywine. Exhibit B-12; Exhibit A-20; Exhibit PC-1; N.T., 4/19/17 at 540-54; N.T., 4/19/17 at 575-602.
125. The boundaries of areas subject to study with regard to the Battle of Brandywine have expanded since the early 1960’s. Exhibit A-20; N.T., 4/19/17 at 545-46.
126. The Subject Property is not within the boundaries of the National Historic Landmark with regard to the Battle of Brandywine. N.T., 4/19/17 at 546.
127. The fact that the entirety of the Subject Property is not identified on Exhibit A-20 as being within part of a study area associated with the Battle of Brandywine “is not determinative of whether or not there was action associated with the battle on the” Subject Property. N.T., 4/19/17 at 575-76.
128. There “was action associated with the battle in close proximity” to the Subject Property. N.T., 4/19/17 at 576.
129. There is a strong likelihood that Hessian troops moved across the western portions of the Subject Property immediately before engaging Continental troops at the Battle of Brandywine. Exhibit B-12; Exhibit PC-1; Exhibit PC-18; N.T., 4/19/17 at 582-83; N.T., 8/29/17 at 1290
130. Skirmishes between Hessian troops and Continental troops might have occurred on the Subject Property, including Continental firing-upon Hessian troops as the latter crossed the Subject Property. Exhibit PC-18; N.T., 8/29/17 at 1334-1336

131. Mr. Wise was not able to definitively refute or disagree with the likelihood that (A) Hessian troops moved across the Subject Property immediately before engaging Continental troops at the Battle of Brandywine, and (B) skirmishes between those troops occurred on, or immediately south of, the Subject Property. N.T., 4/19/17 at 587.
132. Further information about the role which the Subject Property played in the Battle of Brandywine is important to a modern understanding of the importance of the Battle of Brandywine. N.T., 4/19/17 at 600.
133. Mr. Moir's work with regard to mapping the events associated with the Battle of Brandywine serve as a basis for the Chester County Planning Commission-established battlefield swath. N.T., 8/29/17 at 1336.
134. Other than reconfiguration of the Applicant's plan for redevelopment of the Subject Property in a way which removes the Chester County Planning Commission-identified battlefield swath from that redevelopment, the "best way" to develop that information would be an archeological investigation of the Subject Property. N.T., 4/19/17 at 644-46; N.T., 8/29/17 at 1292-93; N.T., 8/29/17 at 1335-36.

E. Traffic.

135. The Applicant presented testimony by Nicole R. Kline, P.E. Exhibit A-18; N.T., 5/23/17 at 650-797; N.T., 7/25/17 at 999-1121.
136. The Board of Supervisors accepted Ms. Kline as an expert witness in the field of traffic engineering. N.T., 5/23/17 at 652.
137. The Planning Commission presented testimony by Albert P. Federico, P.E. Exhibit PC-11; N.T., 7/25/17 at 1125-1184; N.T., 8/29/17 at 1191-1228.
138. The Board of Supervisors accepted Mr. Federico as an expert witness in the field of traffic engineering. N.T., 7/25/17 at 1126.
139. Ms. Kline prepared multiple versions of a document entitled Transportation Impact Study for the Crebilly Residential Development, the first of which is dated October 13, 2016, and the second of which is dated January 20 2017. Exhibit A-29; Exhibit A-33; N.T., 5/23/17 at 652, 654.

140. The scope of the several transportation studies which Ms. Kline prepared includes the intersection of Route 202 and Route 926, the intersection of Route 202 and West Pleasant Grove Road, the intersection of Route 926 and Bridlewood Boulevard, the intersection of Route 926 and South New Street, the intersection of South New Street and West Pleasant Grove Road, and the several site accesses as more fully depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7. Exhibit A-29; Exhibit A-33; N.T., 5/23/17 at 655.
141. As more fully depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7, the Applicant proposed to provide direct vehicular access to the Subject Property from Route 202 (the "Route 202 Access"). Exhibit A-3; Exhibit A-6; Exhibit A-7; N.T., 5/23/17 at 657-59.
142. As more fully depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7, the Applicant proposed to provide other direct vehicular accesses to the Subject Property through a new "T" intersection on Route 926 (the "Route 926 Access") and two (2) accesses on West Pleasant Grove Road (one opposite Dunvegan Road and the other opposite Hidden Pond Road) (the "West Pleasant Grove Road Accesses"). Exhibit A-3; Exhibit A-6; Exhibit A-7; N.T., 5/23/17 at 657-59.
143. The Applicant does not propose to provide any direct vehicular access to the Subject Property from South New Street. Exhibit A-3; Exhibit A-6; Exhibit A-29; Exhibit A-33.
144. Mr. Federico prepared three (3) separate review letters with regard to the Applicant's proposal to redevelop the Subject Property, which such review letters are dated December 27, 2016, February 6, 2017, and April 3, 2017, respectively (collectively, the "Federico Review Letters"). Exhibit A-30; Exhibit A-31; Exhibit A-32; N.T., 5/23/17 at 653.
145. Ms. Kline prepared responses to the Federico Review Letters, which such responses are dated January 20, 2017, March 3, 2017, and May 19, 2017, respectively. Exhibit A-33; Exhibit A-34; Exhibit A-35; N.T., 5/23/17 at 653.

146. Ms. Kline testified that the Applicant “analyzed relocating the 926 access intersection to be located opposite Bridlewood Boulevard, which was a requirement from PennDOT.” N.T., 5/23/17 at 659.
147. Ms. Kline further testified that the Applicant “also relocated the eastern access on the right side along West Pleasant Grove Road that was originally opposite Hidden Pond [Road], further to the west in order to meet sight distance criteria.” N.T., 5/23/17 at 659.
148. The Planning Commission and Mr. Federico requested that the Applicant remove the Route 202 Access. Exhibit B-21; N.T., 7/75/17 at 1137.
149. Amongst other reasons for removal of the Route 202 Access, Mr. Federico cited the fact that “[c]urrently[,] traffic travelling south along [Route 202] queues back extensively to the north, well past, particularly in the evening, where the [Route 202 A]ccess is proposed to be located.” N.T., 7/25/17 at 1137-38, 1141
150. Ms. Kline further testified that the Applicant is “willing to remove” the Route 202 Access. N.T., 5/23/17 at 659.
151. Ms. Kline acknowledged, and the Board of Supervisors finds as a matter of fact, that “it is altogether possible. . . that the removal of the [Route 202 Access] will create an effect whereby addition or perhaps fewer improvements are necessary at” the intersections which are the subject of the Applicant’s Transportation Impact Studies. N.T., 5/23/17 at 699.
152. Notwithstanding Ms. Kline’s testimony with regard to changes in access to the Subject Property, as aforesaid, and notwithstanding that the Applicant discussed such changes with PennDOT, the Applicant never presented to the Board of Supervisors any plan other than those marked as Exhibit A-3, Exhibit A-6, or Exhibit A-7; N.T., 5/23/17 at 682; N.T., 7/25/17 at 1131; 1139.
153. The Board of Supervisors finds, as a matter of fact, that it is impossible to fully consider the merits of the Conditional Use Application without the benefit of a plan showing precisely what the Applicant intends to construct at the Subject Property.

154. The Applicant's redevelopment of the Subject Property in the manner depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7 would cause an increase in overall delay at the intersection of Route 202 and Route 926 which would require improvements at that intersection in order to maintain what would be future conditions without that redevelopment. N.T., 5/23/17 at 664.
155. Independent of the Applicant's redevelopment of the Subject Property, PennDOT contemplates the completion of certain improvements at the intersection of Route 202 and Route 926. N.T., 5/23/17 at 665.
156. Those improvements include "a second [Route] 926 left turn lane, and elimination of the split phasing operations of the traffic signal at the intersection of 202 and 926[]" (the "202/926 Improvements"). N.T., 5/23/17 at 664.
157. If completed, the 202/926 Improvements would mitigate the impact of the overall delay at the intersection of Route 202 and Route 926 which would be caused by the Applicant's redevelopment of the Subject Property in the manner depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7. N.T., 5/23/17 at 664.
158. In the event that PennDOT does not complete the 202/926 Improvements prior to the time when the Applicant proceeds with redevelopment of the Subject Property, the Applicant will complete such improvements. N.T., 5/23/17 at 665.
159. The Applicant will, also, complete roadway widening along the Subject Property's respective frontages along West Pleasant Grove Road and South New Street. N.T., 5/23/17 at 668-69.
160. Pursuant to the Federico Review Letters, Mr. Federico suggested that the Applicant realign the internal roadways at its redevelopment of the Subject Property in order "to provide a more continuous connection between [Route] 926 and West Pleasant Grove Road consistent with the Township Growth Management Plan." Exhibit A-35; N.T., 5/23/17 at 668-69.

161. The Board of Supervisors finds credible, and agrees with, Mr. Federico's statement that the internal roadway which is depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7 as traversing the Subject Property from West Pleasant Grove Road to Route 926 is not "a connector road consistent with the Comprehensive Plan or the Township Growth Management Plan." N.T., 7/25/17 at 1142.
162. The Board of Supervisors finds credible, and agrees with, Mr. Federico's statement that, as to the internal roadway which is depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7 as traversing the Subject Property from West Pleasant Grove Road to Route 926, "[t]he Growth Management Plan presumes a more direct, continuous connection between those two roads." N.T., 7/25/17 at 1142.
163. The Board of Supervisors finds credible, and agrees with, Mr. Federico's statement that the internal roadway which is depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7 as traversing the Subject Property from West Pleasant Grove Road to Route 926 is not "a continuous roadway that connects [West Pleasant Grove Road and Route 926] through the development." N.T., 5/23/17 at 684; N.T., 7/25/17 at 1142
164. Though the Board of Supervisors finds that a layout which is conducive to high vehicle speeds or a high volume of non-development related traffic is inappropriate for a connector road between West Pleasant Grove Road to Route 926, it also finds that the internal roadway which is depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7 as traversing the Subject Property from West Pleasant Grove Road to Route 926 is not consistent with the Township Growth Management Plan. N.T., 7/25/17 at 1142.
165. A single connected internal roadway of the type which the Applicant proposes to construct at the Subject Property is one which would be needed at the Applicant's redevelopment of the Subject Property regardless of whether the Township Growth Management Plan contemplates a connector road through the Subject Property. N.T., 5/23/17 at 685.

166. The Planning Commission recommends that the Applicant should construct left turn lanes at all four (4) approaches to the intersection of Route 926 and South New Street. Exhibit B-21.
167. Ms. Kline testified that such left turn lanes are required under existing conditions and, therefore, are not improvements for which the Applicant should be responsible. N.T., 5/23/17 at 697.
168. Mr. Federico testified that the Applicant's redevelopment of the Subject Property in the manner contemplated pursuant to Exhibit A-3, Exhibit A-6, and Exhibit A-7 will necessitate longer left turn lanes at all four (4) approaches to the intersection of Route 926 and South New Street. N.T., 7/25/17 at 1145.
169. The Board of Supervisors finds credible, and agrees with, Mr. Federico's testimony that "if the [A]pplicant does not provide the left turn lanes or contribute toward the turn lanes that the traffic generated but the development will not be able to be safely and efficiently managed on the existing road network or the road network as modified or upgrade by the [A]pplicant." N.T., 7/25/17 at 1145.
170. The Board of Supervisors finds credible, and agrees with, Mr. Federico's testimony with regard to the traffic-related Proposed Conditions. N.T., 7/25/17 at 1158-60.
171. Ms. Kline testified that, other than Proposed Condition No. 12.D, Proposed Condition No.13.A, Proposed Condition No. 13.B, and Proposed Condition No. 13.C, there are no traffic-related Proposed Conditions with which she does not agree. N.T., 5/23/17 at 694.
172. The Applicant did not complete any analysis to determine whether there is a need for transit-related facilities associated with the Applicant's proposal for redevelopment of the Subject Property. N.T., 7/25/17 at 1073.
173. The Board of Supervisors agrees with Ms. Kline's opinion that "walking communities are desirable by residents." N.T., 7/25/17 at 1074.
174. The Applicant's proposal for redevelopment of the Property, as depicted on Exhibit A-3, Exhibit A-6, and Exhibit A-7, does not contemplate pedestrian

- connection to South New Street, West Pleasant Grove Road, Route 926, or Route 202. Exhibit A-3; Exhibit A-6; Exhibit A-7; N.T. 7/25/17 at 1073.
175. The Applicant's full build-out redevelopment of the Subject Property will necessitate the installation and maintenance of a traffic signal at the intersection of Route 926 and the access to that redevelopment. Exhibit B-21; N.T., 7/25/17 at 1154-55.
176. As and between the Township and the Applicant, the Applicant must bear the costs associated with the installation and maintenance of a traffic signal at the intersection of Route 926 and the access to the Applicant's redevelopment of the Subject Property.
177. The Board of Supervisors finds credible, and agrees with, Mr. Federico's concerns with regard to the width of the cartway of West Pleasant Grove Road. N.T., 7/25/17 at 1156.
178. The Board of Supervisors agrees with the recommendation which the Planning Commission made with regard to the Applicant's responsibility to widen the cartway of West Pleasant Grove Road. Exhibit B-21.

II. Proposed Conclusions of Law.

- A. The Applicant had, and retained throughout the Hearing, standing to file and prosecute the Conditional Use Application which is marked as Exhibit B-6.
- B. The Planning Commission had, and retained through the Hearing, standing to appear as a party to the Hearing.
- C. The Subject Property is eligible for development pursuant to the Flexible Development Procedure.
- D. The Board of Supervisors has power and authority to approve a reduction in the mandatory separation between townhome style New Dwelling Units from sixty feet (60') to thirty feet (30') separation plan pursuant to Section 170-904.E.(10)(d) of the Zoning Ordinance.
- E. Applicant bore the initial burden of proof with regard to the compliance of Applicant's proposed redevelopment of the Subject Property (as depicted on Exhibit A-3, as modified by Exhibit A-7) with the criteria applicable to the Flexible

Development Procedure as set forth in the Zoning Ordinance. *See In Re Appeal of Thompson*, 896 A.2d 659 (Pa. Cmwlth. Ct. 2006).

- F. Only if the Applicant met its initial burden of proof, as aforesaid, did any burden shift to the Planning Commission (or any other party) to present evidence that the proposed redevelopment of the Subject Property (as depicted on Exhibit A-3, as modified by Exhibit A-7) will have a detrimental effect on the public health, safety, and welfare. *See id.* at 670.
- G. The only plans for redevelopment of the Subject Property which is administratively complete, and which is the subject of the Hearing, are Exhibit A-3 and Exhibit A-6, as modified by Exhibit A-7.
- H. The Applicant did not satisfy its initial burden of proof with regard to any plan for redevelopment of the Subject Property other than those marked as Exhibit A-3 and Exhibit A-6 (as modified by Exhibit A-7).
- I. As to the plans marked as Exhibit A-3 and Exhibit A-6 (as modified by Exhibit A-7), the Applicant is not entitled to Conditional Use Approval for the following reasons:
 - 1. the Applicant failed to demonstrate compliance with Section 170-904.E.5 of the Zoning Ordinance (with regard to architectural design);
 - 2. the Applicant did not demonstrate compliance with Section 170-905.A.5 of the Zoning Ordinance (with regard to erosion and sedimentation control);
 - 3. the Applicant did not demonstrate compliance with Section 170-907.A.7.g of the Zoning Ordinance (with regard to the preservation of open space);
 - 4. the Applicant did not demonstrate compliance with Section 170-904.A.(3)(b) of the Zoning Ordinance (with regard to protection of historical landscapes and scenic views);
 - 5. the Applicant did not demonstrate compliance with Section 170-904.A.(3)(c) of the Zoning Ordinance and Section 170-905.A.(3) of the Zoning Ordinance (with regard to stormwater management);
 - 6. the Applicant did not take into account scenic views when determining and calculating Secondary Conservation Resources, in derogation of Section 170-905.A.(1)(l) of the Zoning Ordinance; and

7. the Applicant did not demonstrate compliance with the Township Comprehensive Plan and/or the Township Growth Management Plan.

J. In the event that the Board of Supervisors approves the Conditional Use Application notwithstanding the Applicant's failure to demonstrate compliance with the criteria applicable to the Flexible Development Procedure as set forth in the Zoning Ordinance, the Board of Supervisors may impose conditions on that approval to mitigate any potential adverse impacts from the proposed use, and is required to reduce the negative impacts to an acceptable level (if it can) by imposing such conditions. *See In re: Appeal of Maibach*, 26 A.3d 1213 (Pa. Cmwlth. Ct. 2011).

III. **Conditions.** In the event that the Board of Supervisors approves the Conditional Use Application, notwithstanding the deficiencies noted above, the Planning Commission respectfully requests that the Board of Supervisors impose the following conditions upon such approval.

- A. The Applicant shall create the Homeowners' Association, the creation, organizational, and operational governing documents of which shall be subject to review (and prior approval) by the Township Solicitor.
- B. The Applicant shall design and construct a pedestrian trail around the perimeter of the Subject Property, to the reasonable satisfaction of the Board of Supervisors.
- C. The Applicant shall dedicate to the Township all Open Space and Recreation Areas.
- D. The Applicant shall design and construct a connector road through the Subject Property linking West Pleasant Grove Road with Route 926, all to the reasonable satisfaction of the Board of Supervisors.
- E. The Applicant shall design and construct a berm along the Subject Property's West Pleasant Grove frontage from a point opposite Hidden Pond Way to a point approximately 350' west of the intersection of West Pleasant Grove Road and Dunvegan Road along, all to the reasonable satisfaction of the Board of Supervisors.
- F. The Applicant shall comply, to the reasonable satisfaction of the Board of Supervisors, with all review comments offered by the Township Engineer, the Township Wastewater Consultant, the Township Traffic Engineer (Mr. Federico),

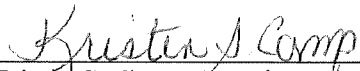
the Township Fire Marshal, Cederville Engineering, Inc., and the Planning Commission.

- G. Except as may be determined by the Board of Supervisors to the contrary, the Applicant shall connect the Subject Property to the Township owned and operated wastewater collection, conveyance, and treatment system, which such connection shall be made at a point as recommended by Carroll Engineering Corporation.
- H. The Applicant shall be responsible for all upgrades to the Pleasant Grove Pump Station which are necessary to facilitate the Applicant's connection of the Subject Property to the Township owned and operated wastewater collection, conveyance, and treatment system.
- I. In the event that the Board of Supervisors does not allow the Subject Property to be connected to the Township owned and operated wastewater collection, conveyance, and treatment system, the Applicant shall utilize a Sequential Batch Reactor system for wastewater treatment at the Subject Property, and shall use drip irrigation for wastewater disposal at the Subject Property.
- J. The Applicant shall revise its plans for redevelopment of the Subject Property in order to relocate away from the Chester County Planning Commission-identified "Battlefield Swath" any new home construction.
- K. The Applicant shall complete a Phase I Archeological Investigation of that portion of the Subject Property identified by the Chester County Planning Commission as the "Battlefield Swath" in order to determine the presence of any artifacts or relics related to the Battle of Brandywine and, pending the results of that investigation, shall conduct a Phase II Archeological Investigation and a Phase III Archeological Investigation, all to the reasonable satisfaction of the Board of Supervisors. The protocol to be followed in completing all such investigations shall be as determined by a historian or archaeologist selected by the Township.
- L. The Applicant shall comply with all other conditions set forth in Exhibit B-21, to the reasonable satisfaction of the Board of Supervisors.


Date: December 18, 2017

Respectfully submitted,

**BUCKLEY, BRION,
MCGUIRE & MORRIS LLP**

By: 

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By: 

Michael S. Gill, Esquire

Attorneys for
Township of Westtown
Planning Commission



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December 13, 2019

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

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

Dear Board Members:

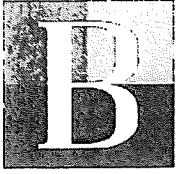
At its meeting on December 4, 2019, the Westtown Township Planning Commission (the "Planning Commission") met to consider the second conditional use application filed by Toll PA XVIII, L.P. ("Applicant") for the proposed development of the Crebilly Farm with a flexible development containing 319 single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

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



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

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



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

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

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

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



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



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



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



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

EXHIBIT A

BACKGROUND:

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

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

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

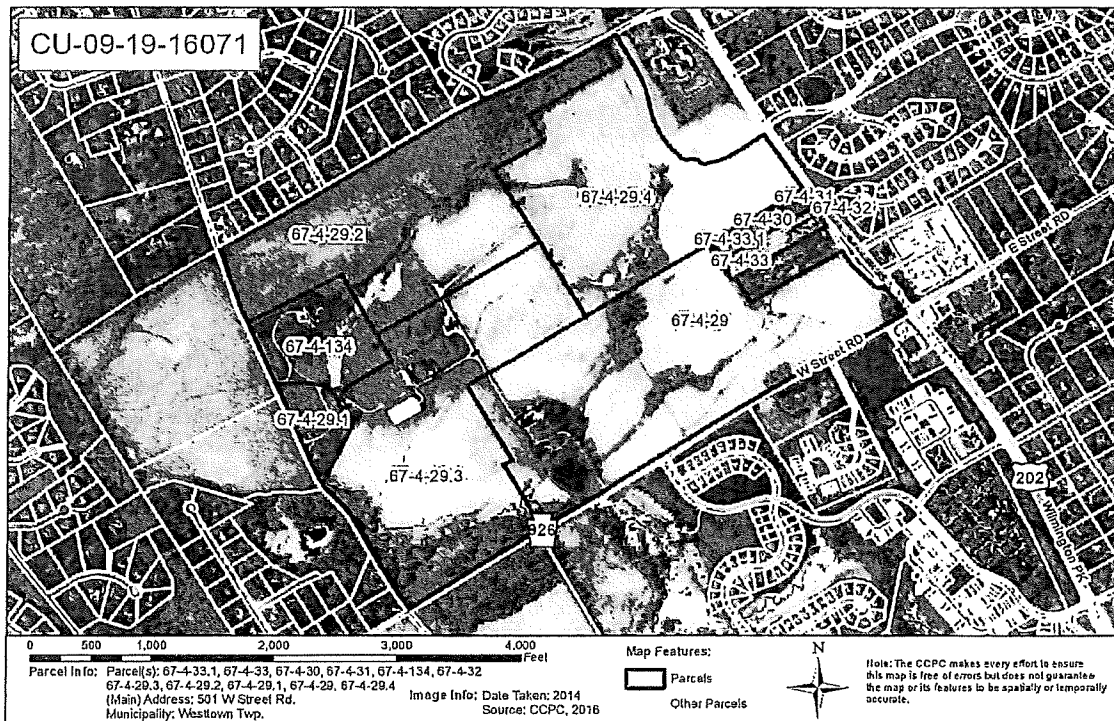


Figure 1: Location Map – The Robinson Tract (aka Crebilly Farm)

While single family detached and townhouse development is an appropriate use in a **Suburban Landscape** designation, the proposed residential development on the western portion of the site is not consistent with the goals and objectives of the **Rural Landscape** designation nor is it consistent with the historic resource and context preservation policies of *Landscape3*. In order for the proposed development of the Robinson Tract to be generally consistent with *Landscape3*, the applicant and Township should consider the development of a revised site plan in which the proposed development activity is located, to the greatest extent possible, on the eastern portion of the site (this issue is further discussed in comment #5).

WATERSHEDS:

4. *Watersheds*, the water resources component of *Landscape3*, indicates the proposed development is located within the Radley Run subbasin of the Brandywine Creek watershed, and the Chester Creek watershed. *Watersheds'* highest priority land use objectives within the Brandywine Creek and Chester Creek watersheds are: reduce stormwater runoff, restore water quality of "impaired" streams, and protect vegetated riparian corridors. *Watersheds* can be accessed at www.chesco.org/water.

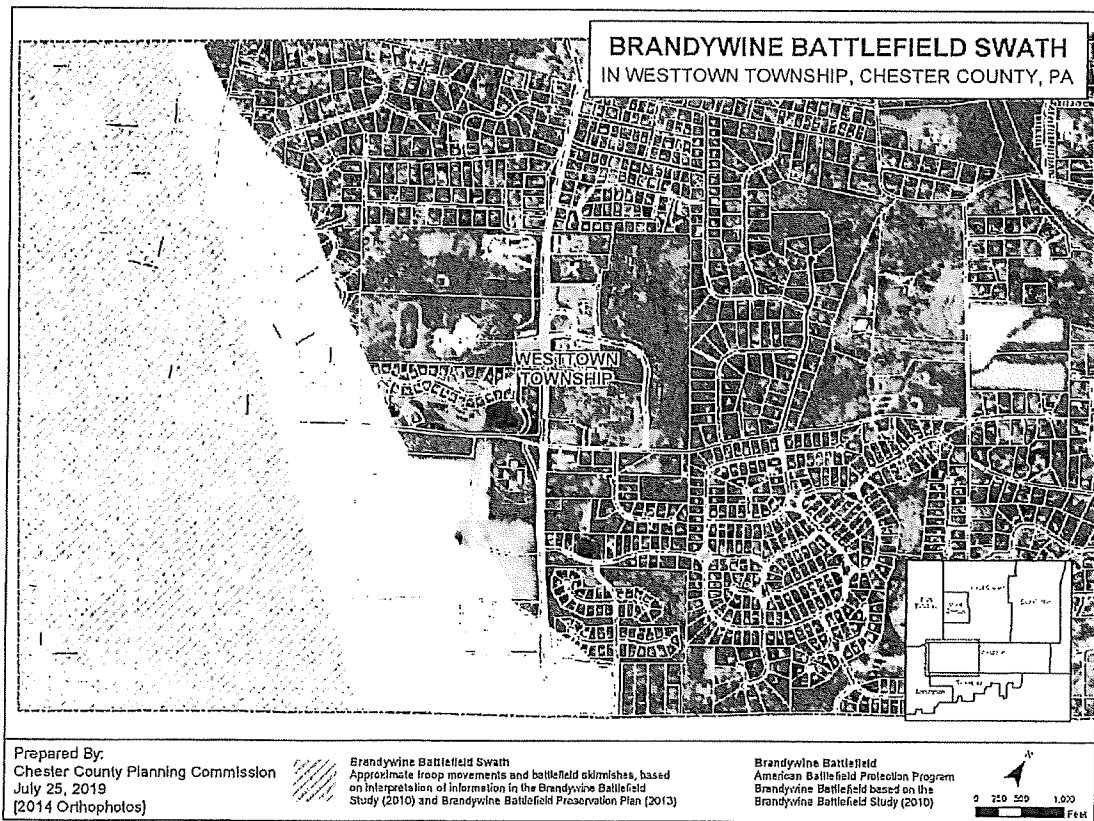


Figure 3: Brandywine Battlefield Swath, Approximate troop movements and battlefield skirmishes

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Westtown Township - CU-09-19-16071

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

Access and Circulation:

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

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

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

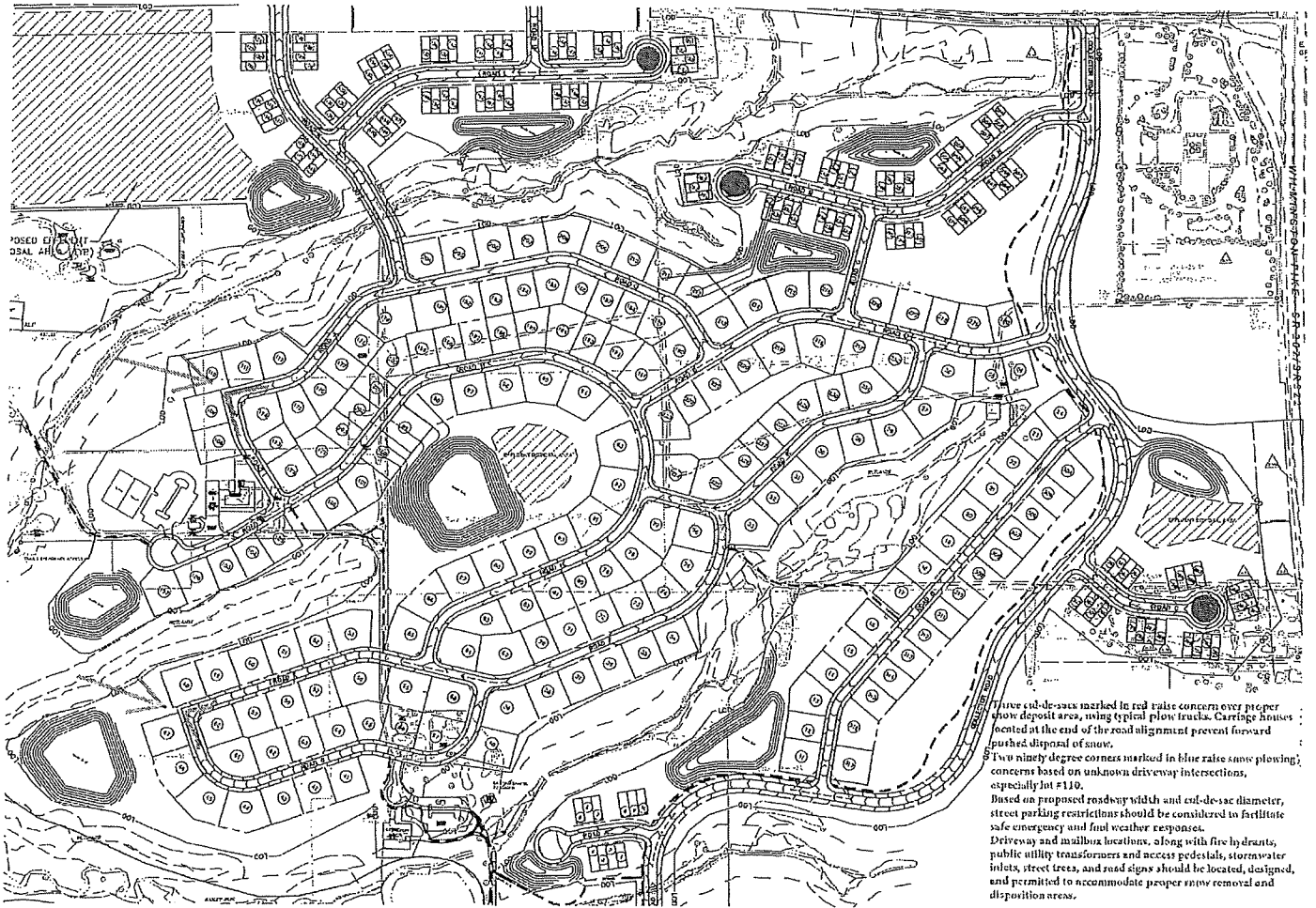
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Natural Features Protection:

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

Zoning Ordinance Compliance:

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

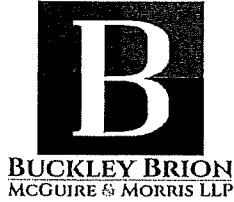


Three cul-de-sacs marked in red raise concern over proper snow deposit area, using typical plow trucks. Carriage houses located at the end of the road alignment prevent forward pushed disposal of snow.

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

Based on proposed roadway width and cul-de-sac diameter, street parking restrictions should be considered to facilitate safe emergency and foul weather response.

Driveway and mailbox locations, along with fire hydrants, public utility transformers and access pedestals, stormwater inlets, street trees, and road signs should be located, designed, and permitted to accommodate proper snow removal and disposition areas.



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West Chester, PA 19382-2928

Board of Supervisors
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

July 14, 2020

Re: Conditional Use Application of Toll PA XVIII, L.P. – Crebilly Farm
Recommendation of Westtown Township Planning Commission

Dear Board Members:

On August 16, 2019, Toll PA XVIII, L.P. (“Applicant”) filed a conditional use application seeking conditional use approval pursuant to Sections 170-903.A and C of the Westtown Township Zoning Ordinance for a flexible development with single family detached dwellings and multifamily dwellings on the property commonly referred to as the Crebilly Farm (the “Property”). Throughout the Fall of 2019, the Westtown Township Planning Commission reviewed the plan attached to the conditional use application titled, “Conditional Use Subdivision Plan for the Robinson Tract Proposed Development”, prepared by ESE Consultants Inc., sheets 1 through 71, dated August 9, 2019 (hereinafter the “Second CU Plan”). At the conclusion of the Planning Commission’s review of the Second CU Plan, it voted unanimously on December 4, 2019 to recommend that the Board of Supervisors (the “Board”) deny the Second CU Plan for the reasons set forth in a letter dated December 13, 2019 (the “December 2019 Recommendation Letter”). The Planning Commission also recommended that if Applicant presented evidence or more recent traffic reports, revised grading/intersection designs, updated traffic counts, more in-depth modeling and more comprehensive safety studies to address the comments and noted deficiencies in the Township Traffic Engineer’s October 15, 2019 review letter to satisfy its burden of proof under Section 170-2009.D(1)(h) of the Zoning Ordinance, revises the Plan so that it is consistent with the Comprehensive Plan as required by Section 170-902.D of the Zoning Ordinance, and presents sufficient evidence to demonstrate that the proposed development does not unreasonably or significantly affect the protected values under the Environmental Rights Amendment, the Board should approve the application and Second CU Plan subject to 58 conditions stated in the December 2019 Recommendation Letter.

On January 31, 2020, Applicant sent correspondence to the Township wherein it responded to the Planning Commission’s December 2019 Recommendation Letter, and in addition, submitted an alternate conceptual site plan titled “Concept Plan/Robinson Overlay 25 Ft. Spacing” prepared by ESE Consultants dated January 30, 2020 (the “Alternate Plan”). Applicant indicated that the Alternate Plan was submitted to the Township in response to several of the Planning Commission’s recommendations concerning the Second CU Plan. Applicant explained that it was not formally submitting the Alternate Plan to the Board

in lieu of the Second CU Plan, but that if the Board were to prefer and ultimately approve the Alternate Plan, it was willing to develop the Property consistent with such Alternate Plan. Applicant also advised the Planning Commission that in order to develop the Property in accordance with the Alternate Plan, the Board must grant waivers from certain provisions in the Township Subdivision and Land Development Ordinance which are described in detail in a Memorandum dated January 27, 2020 prepared by ESE Consultants (the “Waiver Request Letter”).

Over the course of various public meetings commencing in February of 2020 and ending on July 8, 2020, the Planning Commission reviewed and considered the Alternate Plan and various supplemental plans that Applicant submitted which are identified on Exhibit “A” attached to this letter (collectively referred to as the “Supplemental Plans”). One of the Supplemental Plans that Applicant submitted after the Planning Commission’s May 20, 2020 meeting was a revised alternate concept plan prepared by ESE Consultants dated June 5, 2020 which removed 90-degree internal road intersections (referred to as “Revised Alternate Plan”).

The Planning Commission did not consider the waivers requested in the Waiver Request Letter and agreed that its comments and ultimate recommendation on the waivers would occur in the land development review.

At the meeting on July 8, 2020, the Planning Commission made the following recommendation to the Board.

The Planning Commission prefers the Revised Alternate Plan over the Second CU Plan; however, the Planning Commission recommends that the Board deny the Second CU Plan because Applicant has failed to adequately demonstrate that the proposed development does not unreasonably or significantly affect the values protected by Article 1, Section 27 of the Pennsylvania Constitution known as the “Environmental Rights Amendment” (the “ERA”) that is “the right to clean air, pure water and preservation of natural, scenic, historic and esthetic values of the environment.”

In addition, the Planning Commission does not believe that Applicant has demonstrated compliance with the criteria in §170-2009(D)1(h) of the Ordinance¹ and therefore, the Second CU Plan and application

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

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

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

should be denied on that basis. Based on the Township Traffic Engineer's review of Applicant's Transportation Impact Study, as well as the Supplemental Plans and the Revised Alternate Plan, the Planning Commission believes that Applicant has failed to provide credible evidence to demonstrate that the proposed flexible development will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The Planning Commission bases this conclusion on the comments made by the Traffic Engineer in his review letters dated March 13, 2020, May 13, 2020, July 2, 2020 and July 6, 2020 (collectively "Traffic Review Letters").

If, however the Board were to find that the ERA is not a basis to deny the Second CU Plan or that Applicant has presented sufficient evidence to demonstrate compliance with the criteria in Section §170-2009(D)1(h) of the Ordinance, the Planning Commission prefers that Applicant implement the Revised Alternate Plan and that the Board impose the following conditions:

- 1) The flexible development shall contain a maximum of 319 dwelling units, which shall include the two existing dwellings on the Property.
- 2) Applicant shall revise the Revised Alternate Plan to further mitigate detrimental impacts to important scenic and historic resources on the Property by shifting all development out of what has been identified as the Brandywine Battlefield Swath in a Chester County Planning Commission review letter dated October 18, 2019, Figure 3.
- 3) The area on the Property designated as the Brandywine Battlefield Swath or designated as open space shall be limited to disturbance necessary for the development and installation of facilities for sewage disposal, stormwater management, access, utilities, agricultural or equestrian use, recreational areas, historic interpretation and trails and the preservation of the existing two houses that are proposed to be preserved.
- 4) Applicant shall satisfactorily address the comments raised by the Township Traffic Engineer in his Traffic Review Letters.
- 5) Applicant shall install a full roundabout at the intersection of W. Pleasant Grove Road and the Connector Road as generally depicted on the plan Applicant submitted to the

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

Township on June 9, 2020 which is titled, "Robinson Property Roundabout Exhibit". The Planning Commission supports the Board modifying the standards in Section 170-1617.C(2) to allow minimal intrusion into primary conservation area and secondary conservation area in order to install the roundabout.

- 6) The Connector Road shall be offered for dedication to the Township and shall be designed to adequately accommodate heavy equipment and truck traffic. Appropriate weight limitations for the Connector Road shall be determined during land development. Applicant shall design the Collector Road using Type II Base Course as specified in Section 149-910.D(3).
- 7) Applicant shall construct a traffic signal at the intersection of the Connector Road and PA Route 926 and Bridlewood Boulevard, including fiber-optic interconnection to and coordination with the adjacent traffic signals along PA Route 926 at US Route 202 and New Street. The Planning Commission encourages Thornbury Township to cooperate in the installation and maintenance of this traffic signal which the Planning Commission believes will provide residents in the Bridlewood community improved access to Route 926.
- 8) If not constructed by PennDOT, Applicant shall obtain all permits for design and construction of the following turn lanes (and ancillary infrastructure modifications including but not limited to traffic signals, drainage and pedestrian facilities):
 - a. A southbound right turn lane, 150' in length or as otherwise required by PennDOT, on US 202 at PA 926, and
 - b. An eastbound left turn lane, 500' in length or as otherwise required by PennDOT, on PA 926 at US 202.
- 9) Applicant shall revise the Revised Alternate Plan to offer for dedication right-of-way along:
 - a. US Route 202, PA Route 926, New Street and West Pleasant Grove Road as appropriate to comply with § 170-1511, and
 - b. Along US Route 202 and PA Route 926 as appropriate to accommodate the improvements required by Condition #8 above, including if constructed by PennDOT.

- 10) Applicant shall improve the cartway of W. Pleasant Grove along the property frontage to:
 - a. Comply with § 149-903.A(2) for width;
 - b. Comply with § 149-910.D for paving;
 - c. Provide landscaping in accordance with a plan to be developed in coordination with and approved by the Township; and
 - d. Implement traffic calming measures in accordance with a plan to be developed in coordination with and approved by the Township. This may include raised intersections and/or gateway islands.

- 11) Applicant shall design, permit and construct the following road improvements (and ancillary infrastructure modifications including but not limited to traffic signals, drainage and pedestrian facilities)
 - a. A southbound right turn deceleration lane, 100' in length or as otherwise required by PennDOT, on US 202 at West Pleasant Grove Road;
 - b. Eastbound and westbound left turn lanes, on PA 926 at New Street generally in accordance with the Conceptual Design Exhibit Alternative A prepared by McMahon Associates, dated March 6, 2020, as such design plan is approved by PennDOT.

- 12) Applicant shall eliminate the access from Road N. to West Pleasant Grove Road and instead provide this access as an emergency access road. The Planning Commission recognizes that if this road is eliminated as a full access driveway, Applicant will need a waiver from Section 149-901.F of the SALDO to allow more than 25 dwelling units on a cul de sac and the Planning Commission would support such waiver being granted by the Board.

- 13) Any trees that are located within the right-of-way of W. Pleasant Grove Road and S. New Street that are determined to create an unsafe condition or pose a traffic hazard to vehicles traveling on such roads shall be removed by Applicant. The determination of which trees create an unsafe condition shall be determined by the Township

engineer and road master and shall be marked on the final subdivision and land development plans.

- 14) During land development, Applicant shall implement an access and routing plan for construction vehicles to be developed in coordination with and approved by the Township in order to avoid undue impact on the roads. This plan should include the inspection and video documentation of all roadways adjacent to the site prior to the start of construction. If, because of construction of the development proposed by the Plan, Applicant and its contractors damage the roads which are used by heavy construction vehicles, Applicant shall restore the same.
- 15) The Connector Road shall include pedestrian amenities with a paved surface that can accommodate pedestrians and bicyclists. The specifications and locations of the pedestrian amenities shall be determined by the Board at land development.
- 16) Applicant shall provide trails, sidewalks and an equestrian crossing area as depicted on the colored version of the Alternate Plan that was submitted by Andrew Semon in an email dated February 17, 2020 ("Alternate Trail Plan"). The Alternate Trail Plan shall be further revised to comply with conditions 17 and 18 below and to provide a trail along W. Pleasant Grove Road. The trail along West Pleasant Grove may follow an existing farm lane and remain unpaved if necessary, to avoid impacts to sensitive environmental features.
- 17) If not in conflict with the road improvements recommended in condition 5 above, Applicant shall provide a trail connection to the trail in the Arborview development and a crosswalk on W. Pleasant Grove Road to connect the perimeter trail to the Arborview trail provided that such work stays within the Property and the right of way of W. Pleasant Grove Road. Applicant shall provide an easement to the Township in the southwestern portion of the Property to allow a future connection to the Spackman property located in Thornbury Township.
- 18) Applicant shall include on the Plan a perpetual easement to allow the public to use the portion of the Property identified on the Alternate Trail Plan in green as the "Future Equestrian Crossing Area" for equestrian use.
- 19) All trails on the Property shall be paved with a surface designed to accommodate pedestrians and bicyclists except for those trails located within environmentally sensitive areas where a different treatment may be used upon approval by the Township. The Planning Commission supports the use of porous paving which will

allow infiltration of water. Internal trails shall be dedicated to the homeowner's association which is created for the development but trails on the perimeter of the development shall be dedicated to the Township for public use. The HOA shall maintain all trails that are built on the Property. The exact location, design and specifications for all internal trails on the Property shall be finalized during land development approval.

- 20) The Revised Alternate Plan shall be revised to provide sidewalks on one side of the streets and suitable pedestrian connections to community facilities. The exact location of the sidewalks shall be determined during land development. All sidewalks shall be maintained by the homeowner's association for the development.
- 21) Prior to issuance of grading permits, Applicant shall allow a contractor chosen by the Township to perform an archeological survey of the Property which shall include metal detection, ground penetrating radar and test pits to recover suspected artifacts. Such survey shall be performed before any portion of the Property is graded or otherwise prepared for development. Applicant shall reimburse the Township for the cost of such archeological survey. If artifacts are discovered on the Property during any construction or earth disturbance of the Property, Applicant shall notify the Township and offer such artifacts to the Township.
- 22) Applicant shall preserve the following historic structures located on the Property which are referenced in the Applicant's historic resource inventory titled "Physical Description of Historic Structures" prepared by Cultural Resource Consultants dated December 13, 2016 ("Historic Resource Inventory"):
 1. Chapel/springhouse- #24 on the Historic Resource Inventory;
 2. The old Barn- Barn #1 on the Historic Resource Inventory; and
 3. The equestrian barn- #11 on the Historic Resource Inventory.

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

- 23) The owners of the Property shall preserve the serpentine house on South New Street-#3 and buildings associated with this house (old stable, garage) #4, #5 on the Historic Resource Inventory.
- 24) Applicant shall relocate the Westtown Inn/Darlington Tavern #25 on the Historic Resource Inventory provided this can be accomplished without jeopardizing its structural integrity. Applicant shall retain a structural engineer who shall evaluate if it is feasible to relocate the Inn without damaging its structural integrity. The Township shall be entitled to review the Applicant's structural engineer's report. If the structural analyses confirm that the structure can be relocated without compromising its structural integrity, Applicant shall relocate it to a location approved by the Board and positioned in its current orientation with the principal façade facing South to preserve its integrity as a historic structure eligible for inclusion on the National Register of Historic Places. Upon relocation to a new site on the Property, Applicant shall apply for National Register status. Applicant shall renovate and repurpose the Inn in a manner that it can be adaptively reused by the homeowner's association or another third party and in a manner that does not destroy its unique architectural properties.
- 25) Applicant shall provide the Township's Historic Commission access to the J.Q. Taylor Tenant House (Item #29 on the Historic Resource Inventory), for purposes of documenting the exterior and interior with photographs and video. Applicant shall provide to the Township or any other third-party items worthy of preservation such as wood flooring, fireplace mantel, etc. for adaptive reuse by third parties. Prior to earth disturbance in the vicinity of this structure and provided the Township and its agents have proper liability insurance, Applicant shall allow the Township or its agents to conduct a survey of the land immediately adjacent to the east of the Taylor Tenant House where old maps indicate a blacksmith and wheelwright shop once existed.
- 26) All the historic resources that are preserved shall be adaptively reused for any purpose as permitted by the Ordinance, subject to the Board of Supervisors' approval.
- 27) After Applicant has rehabilitated the historic resources to allow adaptive reuse for their intended purpose, Applicant shall execute and record façade or conservation easements on all historic resources that are preserved for adaptive reuse. The terms of such easements shall be approved by the Board during land development.
- 28) Applicant shall ensure that the budget for the homeowner's association provides sufficient revenues to ensure adequate long-term maintenance and operational costs

associated with the preservation and continued adaptive reuse of any historic structures that are conveyed to the homeowner's association.

- 29) Prior to the issuance of any grading permit for the Property, and provided the Township and its agents have proper liability insurance, Applicant shall provide access to the Property and all historic structures located on the Property for members and/or representatives of the Township Historical Commission to document and photograph these historic structures.
- 30) The flexible development shall be serviced by public water.
- 31) Applicant shall provide public sewer to the development. The Planning Commission recognizes that the Board will have to amend the Township's Act 537 Plan to include the Property in the public sewer service area. The Planning Commission supports this Act 537 Plan Update. As part of its land development application, Applicant shall prepare a planning module that includes all wastewater facilities necessary to connect the Property to the public sewer system and any and all upgrades to the existing public sewer which are necessary to provide sufficient capacity for the proposed development. Applicant shall construct upgrades to the Township's public sewer system which are necessary to provide sufficient capacity for the proposed development. The specific upgrades that Applicant must make to provide public sewer service to the development shall be determined by the Board during land development, however, at a minimum, Applicant shall provide the following improvements:
 - a. A sewage pump station to convey flow from the proposed development to the Township's existing sewer system. The pump station shall be designed to meet the standards provided by the Westtown Township's wastewater consultant. The pump station shall be sized to handle all proposed sewage flows from the development and an additional 35 EDU's from the adjacent Arborview Pump station.
 - b. Extend proposed sewers in Road L north across West Pleasant Grove Road into Dunvegan Road past the north right-of-way line of West Pleasant Grove Road.

- c. Extend proposed sewers in Road M to West Pleasant Grove Road and then east in West Pleasant Grove Road to the Arborview Pump station.
 - d. Reconstruct the Pleasant Grove Pump Station and pay its pro rata share for the same as determined by the Board as part of land development .
 - e. If the existing sewer collection system leading to the Pleasant Grove Pump station does not have sufficient capacity to handle the flows from the proposed development, the Planning Commission prefers that the wastewater be pumped from the Property Eastwardly in Street Road to Tower Course Drive.
- 32) In order to prevent further impairment of the Radley Run, to improve surface water quality and assist the Township in meeting its Pollutant Reduction Plan for the Radley Run, Applicant shall grant easements to the Township and its designee over and across both sides of Radley Run as it traverses the Property to allow the Township to implement stream restoration of the portions of the stream that traverse the Property which exhibit bank erosion and scour. Applicant shall coordinate with the Township Engineer during the land development process to select vegetation and landscaping that will best assist the Township to reach the goals and requirements of the PaDEP MS4 program. Such provisions will address concerns regarding water quality and phosphorus reduction in the watersheds.
- 33) Applicant shall provide an easement as necessary to permit extension of sewer to the adjacent property, Chester County Tax Parcel No. 67-4-34, currently owned by Vasilious Moscharis. Any tap-in fee for same, as determined by the Township, shall be the responsibility of the owner of Parcel 67-4-34.
- 34) Applicant shall preserve existing trees along the Property boundary with Parcel 67-4-34 and shall extend as necessary, a landscaped berm along the length of the dwelling on Parcel 67-4-34 to provide additional screening for this dwelling.
- 35) The Revised Alternate Plan shall be revised to add a note which restricts the total impervious cover that can be constructed on each individual lot, including the two existing lots that shall be retained by the current legal owner. The total square footage of impervious coverage allowed on each lot shall be determined by the Township Engineer as part of land development with consideration given to the mitigation of

stormwater runoff from the individual lots. Applicant shall include in the homeowner association declaration or deeds to the individual lots a note that indicates the total amount of impervious cover in square feet that may be built on such lot.

- 36) Applicant shall minimize impervious surfaces throughout the development and if feasible implement the following storm water management BMP's: bioretention and rain garden facilities, vegetated swales, stormwater bump outs, and preservation of mature trees.
- 37) Applicant shall grant the Township easements across the open space on the Property for future basin upgrades that the Township may need to perform in order to comply with its MS4 permit requirements with the condition that if improvements are made to any basins by the Township or its agents, the Township will be required to take over maintenance obligations.
- 38) Applicant shall make every effort to balance the cut and fill within the development to avoid unnecessary import or export of soils during construction.
- 39) Applicant shall provide an emergency access road from the Property to South New Street. Such access road shall be wide enough to accommodate the largest apparatus used by the Fame Fire Company. The details for the location, width and specifications for the emergency access road shall be determined by the Board during land development.
- 40) Applicant shall include in the deeds for the lots in the development and in the homeowner's association declaration deed restrictions that prohibit any disturbance of the riparian buffers required by the Township Code. Such deed restrictions shall run with the land and be enforceable by the Township.
- 41) Applicant shall provide a plan which identifies the location of off-street parking for all contractors who will be involved in construction on the Property. The parking plan shall ensure that parking for contractors does not occur on public roads or in locations that create an adverse impact to the public health, safety and welfare. The parking plan shall be approved by the Board during land development.
- 42) Applicant shall coordinate with the West Chester Area School District to identify locations for appropriate and safe bus stops throughout the development. The bus stops shall be in locations that allow sufficient areas for vehicles to park while waiting at the bus stop for drop-off and pick-up. Applicant shall provide parallel parking at

school bus stops within the proposed right-of-way of the internal streets. The design of such parallel parking spaces shall be approved by the Board during land development.

- 43) Applicant shall provide sufficient off-street parking in areas where community facilities are located. The exact number of off-street parking spaces that are provided shall be approved by the Board during land development. If Applicant provides a parking lot as shown on the Revised Alternate Plan south of the Westminster Presbyterian Church and east of the Collector Road this parking lot shall be paved.
- 44) The driveway location for lot 42 shall be on the left side of the lot. The driveway for lot 43 shall be on the right side of the lot furthest from the intersection.
- 45) The internal streets in the development shall be restricted to parking on only one side of the street and parking shall be prohibited on the Collector Road. During land development Applicant and the Township shall determine which side of the internal streets may be used and signed to allow on street parking. All roads within the development shall be designated snow emergency routes where no parking shall be permitted during a snow emergency. During land development Applicant and the Township shall determine the appropriate location for snow emergency signs which shall be installed at Applicant's expense.
- 46) Driveway and mailbox locations, fire hydrants, public utility transformers, access panels, stormwater inlets, street trees and road signs should be designed and located in areas which allow for proper snow removal and snow disposal areas. Applicant shall install cluster mailboxes throughout the development with the final locations of the mailboxes to be determined by the Board during land development with input from the postmaster.
- 47) Applicant shall relocate the scale house and scale pad from its present location to a location near the equestrian barn identified as Historic Resource #11 off of but adjacent to a new paved surface to simulate the operation of the farm for receipt of feed materials. Applicant shall relocate the corn crib from its location near the main house to closer by the old barn identified as Historic Resource #1 where it can simulate feed storage of corn cribs for feeding of livestock in that barn
- 48) All construction activities within the right of way of Route 202 and Route 926, including lane closures, shall be restricted as determined by PennDOT as part of the

issuance of the highway occupancy permit. Notwithstanding the conditions in the PennDOT permit, Applicant shall be prohibited from closing any lanes on Route 202 and Route 926 during rush hours (6-9am and 3-6pm).

- 49) Applicant shall deed restrict all the proposed lots in the development, including the two lots to be retained by the legal owner, against further subdivision.

Very truly yours,

Kristin S. Camp

Kristin S. Camp

KSC/ceo

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

Crebilly Tract Proposed Development= Westtown Township

Supplemental Plans and Reports provided by Toll after December 4, 2019 PC Recommendation on Second Conditional Use Plan

- 1) Alternate Plan titled "Concept Plan- 25 Ft Spacing", prepared by ESE Consultants dated January 30, 2020
- 2) Colored version of Alternate Plan with trails, sidewalks and equestrian areas depicted titled "Concept Plan- 25 Ft Spacing", prepared by ESE Consultants dated January 30, 2020
- 3) Conceptual Design Plans for intersection improvements at Wilmington Pike and Skiles Blvd. prepared by McMahon dated March 6, 2020
- 4) Conceptual Design Plans for intersection improvements at Street Road and New Street prepared by McMahon dated March 6, 2020
- 5) Conceptual Design Plans for Mini Roundabout at West Pleasant Grove Road and Connector Road prepared by McMahon dated May 13, 2020
- 6) West Pleasant Grove Road Aerial Plan with proposed speed table locations dated May 13, 2020
- 7) West Pleasant Grove Road Widening Plans prepared by ESE Consultants dated May 15, 2020
- 8) Concept Plan with internal geometry of certain streets revised prepared by ESE Consultants dated June 5, 2020
- 9) Plan showing Full Roundabout dated June 8, 2020