



WESTTOWN TOWNSHIP

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June 15, 2021

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

Re: Conditional Use Application for the Stokes Estate

Dear Mr. Adelman:

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

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

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

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

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

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

Bonus Density

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

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

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

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

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

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

Open Space Standards

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

Conservation Design and Historical Resources

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

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

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

Tract Boundary

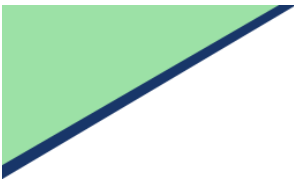
1. §170-904.E(11) requires there be a 50 ft tract boundary setback for all single-family detached dwellings and uses accessory thereto, and requires the tract boundary area shall be landscaped. Some of the areas within this boundary setback fall on top of the "Enterprise" pipeline easement where no landscaping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

Thank you,



Maggie Dobbs, AICP
Director of Planning & Zoning

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



June 17, 2021

Jon Altshul, Township Manager
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

RE: Stokes Estate
Conditional Use Review
Westtown Township
WTT-21-228

Dear Mr. Altshul,

As requested, CEDARVILLE Engineering Group, LLC (CEG) has completed a review of the Conditional Use Application for Stokes Estate. The site (UPI#67-02-0023) comprising of roughly 64.956 acres, is located on the southwest side of S. Concord Road in the R-1 Residential Zoning District of Westtown Township. The project includes: the demolition of existing structures, the construction of a Residential Subdivision consisting of 68 single family homes, a roadway, public sewer, drainage systems and infiltration BMPs to manage the increased impervious coverage.

The following information was received by our office on May 25, 2021:

- A. Aqua Service Territory Correspondence, dated April 28, 2021, stating a main extension is needed for the proposed development.
- B. Westtown Township Conditional Use Application dated May 21, 2021.
- C. Stokes Estate Residential Project Traffic Impact Study prepared by Transportation Resource Group, Inc., dated May 2021.
- D. Crash Analysis Supplement, prepared by Transportation Resource Group, Inc., dated April 2021.
- E. Preliminary Stormwater Management Report, prepared by D.L. Howell and Associates, Inc., dated April 29, 2021.
- F. 30"x42" Plan titled "Existing Resources Plan" Sheet 1 of 2, prepared by D.L. Howell and Associates, Inc., dated April 30, 2021.
- G. 30"x42" Plan titled "Potential Development Area Concept Map" Sheet 2 of 2, prepared by D.L. Howell and Associates, Inc., dated April 30, 2021.
- H. Recorded Deed for the property.
- I. Draft Declaration of Planned Community of Somerford at Stoner Farm dated 12/23/2020 for Lancaster County.
- J. 30"x42" Plan titled "Conditional Use" sheets 1 through 23 of 23, prepared by D.L. Howell and Associates, Inc., dated April 30, 2021.

CEG has reviewed the above referenced items as it pertains to the Conditional Use Application only. This review shall not be considered a Subdivision/Land Development review. Subdivision and Land Development review shall be completed upon Westtown Township's receipt of a complete Subdivision and Land Development Application packet.



The referenced documents have been reviewed for compliance with Chapter 170 – Zoning Ordinance and Chapter 149 – Subdivision and Land Development Ordinance, as applicable to the Conditional Use Application.

The following comments are offered for your consideration:

ZONING COMMENTS (WESTTOWN TOWNSHIP CODE, CHAPTER 170, ZONING):

1. *Section 170-402.D.(3).(f) - If the total of all area(s) of precautionary slopes on a lot exceed 25% of the total area of a lot, then no more than 50% of the precautionary slopes on that lot shall be disturbed, graded or modified.*

The applicant shall provide supporting information for the following Lots, in tabular form, demonstrating compliance with the above referenced criteria:

- Lot 19
- Lots 43-45
- Lot 47
- Lot 49

2. *Section 170-403.E - Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary permits from the PADEP.*

Permits associated with the proposed wetland crossing (Road B) shall be obtained prior to Final Land Development Plan approval.

3. *Section 170-405.A - In any use or development of a tract where permanent open space is to be created and/or retained, the landowner or applicant shall, whenever possible and in conjunction with other applicable ordinances, include in such open space those agriculturally suited soils whose acreage, configuration, and location offer future opportunity for agricultural use.*

Section 170-405.B - In the siting of individual structures on lots, areas of agriculturally suited soils should be left free of structures or paving whenever possible, to allow opportunities for gardens and other agricultural uses.

Agriculturally suited soils, as defined by Natural Resource Conservation Service mapping, shall be shown on the Plan to demonstrate compliance with the above referenced Ordinance section.

4. *Section 170-601.C.(1) - Residential development in accordance with the provisions of the flexible development procedure as set forth in Article IX of this chapter.*

The following shall be addressed:

- A. *Section 170-901.D - Comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans, site analyses, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, detailed plans for other uses and improvements on the land as related to the buildings, lighting, landscaping; and*

Section 170-901.E - A program for provision, operation and maintenance of such areas, improvements, and facilities as will be for common use by some or all of the occupants of the



development, but will not be provided, operated or maintained at general public expense unless acceptable to or found necessary by the Board of Supervisors.

The applicant shall provide the following to demonstrate compliance with the above referenced Ordinance section.

- A plan showing typical elevations and floor plans of the buildings proposed.
- The Open Space Plan shall be revised to clearly show improvements associated with active recreation areas, along with maintenance responsibilities associated with proposed passive open space areas.

B. *Section 170-904.A.(2).(a) - For every 5% of the gross area of the tract that is permanently preserved as common open space above the minimum established under § 170-904C below and meeting the criteria of § 170-904A(3), the maximum density may be increased by 0.075 dwelling units per acre. For example, if 50% of the gross area of a tract in the R-1 District proposed to be developed for single-family detached dwellings is provided as common open space, representing an addition of two increments of 5% each (40 + 5 + 5), then the maximum density may be increased to 1.25 dwelling units per acre (1.1 + 0.075 + 0.075).*

Section 170-904.A.(3).(a).[2] - All open space used incrementally toward calculation of bonus density as provided in § 170-904A(2)(a) shall, in addition to full compliance with all other applicable standards herein, fully exclude from calculation of open space area any existing or proposed impervious surfaces, stormwater management facilities, wetlands, water bodies, watercourses, prohibitive slope (including created slopes exceeding 25%), and any lands subject to floodplain regulations.

Section 170-904.C.(2) - R-1 Rural-Suburban Residential District, where single-family detached dwellings are provided: 40%.

The applicant shall revise the Open Space Tabulation, Sheet 1, to exclude the following areas from Qualifying Open Space:

- Impervious surfaces, including but not limited to:
 - Coverage proposed for the development of active recreation areas.
 - The proposed pump station and associated driveway.
 - Retaining wall at the end of Road D.
- Areas associated with proposed stormwater management facilities.
- Wetlands.
- Prohibitive steep slopes.
- Areas located within the Zone AE Floodplain.

Bonus density shall be recalculated based upon the resultant revised Qualifying Open Space Area.

C. *Section 170-904.A.(3).(c).[2] - Collectively, in addition to compliance with the design criteria for stormwater management set forth in Chapter 149 of the Code of the Township of Westtown, the design of stormwater management facilities across the tract subject to flexible development shall result in groundwater infiltration of stormwater equal in volume to the incremental increase of the two-year storm, predevelopment to postdevelopment. For purposes of calculating the predevelopment volume of the two-year storm, predevelopment land cover conditions shall be*



assumed to be woodland-good for any area predominantly under cover of trees and meadow-good for any other area, regardless of actual cover conditions. The applicant shall be required to submit soil percolation test results and other credible evidence including a maintenance program satisfactory to demonstrate long-term feasibility of required groundwater infiltration. Where groundwater infiltration of the full incremental volume of the two-year storm is not practicable, the Township may require employment of other means to mitigate potential groundwater impacts.

Section 170-905.A.(3) - Stormwater management: The applicant shall submit a proposed stormwater management plan, to be approved by the Township Engineer in accordance with Chapter 149, Subdivision and Land Development. In addition, the Board may require the submission of a study of the off-site and overall groundwater impacts of the proposed stormwater management system.

The following information shall be provided in accordance with the criteria set forth in Section 170-904.A.(3).(c).[2]:

- Infiltration testing locations shall be shown on the Plan.
- Dewatering calculations shall be provided.

The following Stormwater Management comments shall be addressed in accordance with Chapter 149 of the Code, as specified above:

- I. *Section 149-803.B.(1).(g) - Notation of ownership and responsibility for maintenance of stormwater management structures.*

The following shall be provided:

- Operation and Maintenance notes shall be added to the Plan for each proposed BMP.
- The entity responsible for operation and maintenance of the proposed BMPs shall be clearly shown.

- II. *Section 149-803.B.(2).(d) - Basins shall be designed to pass a storm of one-hundred-year frequency through the outlet structure without failure of the basin embankment.*

Details shall be provided for the proposed BMPs to demonstrate compliance and consistency with the Pond Reports contained within the provided Report.

- III. *Section 149-803.B.(2).(e) - The entire contributory drainage area shall be taken into account in basin design.*

Drainage Area Plans shall be provided for review and included within the Report.

- IV. *Section 149-803.B.(6) - Inground retention basins/recharge systems shall be required for all subdivisions and land developments and shall be designed to recharge the increased volume of runoff from all additional impervious areas for a two-year storm event. The systems shall be designed in accordance with the following criteria:*

In ground recharge shall be incorporated into the design of the proposed stormwater management facilities.



- D. *Section 170-905.B.(1) - Streets: Streets within a flexible development shall be related to land use and to adjacent street systems and shall be designated as secondary traffic street (arterial), collector street, or local street depending upon its function. Streets shall be designed in accordance with the terms of Chapter 149, Subdivision and Land Development; provision for the maintenance of such streets shall be an essential part of the plan for the development.*

The following shall be addressed:

- I. *Section 149-901.F - The length of a cul-de-sac shall be a minimum of 350 feet and a maximum of 1,500 feet. Any proposed cul-de-sac longer than 1,500 feet must be approved by the Board upon recommendation of the Township Engineer. In no case shall any cul-de-sac street serve more than 25 dwelling units. Cul-de-sac length shall be measured from the radius of the cul-de-sac turnaround to the edge of paving/curbline of the closest through street.*

The cul-de-sac length for Road C shall be increased to a minimum of 350 feet.

- II. *Section 149-903.A - The right-of-way and cartway widths of all new or proposed public and/or private streets shall be determined by the Board of Supervisors and shall be classified as follows.*

CEG defers comments relating to the proposed street classifications to the Township Traffic Engineer.

- III. *Section 149-903.A.(4) - Cul-de-sac street. A cul-de-sac is a minor street. Turnaround shall have a right-of-way radius of 60 feet. Turnaround cartway paving width shall have a radius of 50 feet. See Notes 1 and 2.*

The proposed cul-de-sacs shall be revised to provide a minimum paving width radius of 50 feet and a right-of-way radius of 60 feet as required by the above referenced section of the Ordinance and shall be dimensioned on the plans.

- IV. *Section 149-905.B.(1) - Minor streets: 150 feet*

Horizontal geometry shall be provided to demonstrate compliance with the above referenced minimum centerline radii requirement.

- V. *Section 149-906.A - Minor streets: 200 feet*

Sight distances for all vertical curves shall be provided on the Profile Plans to demonstrate compliance with the above referenced criteria.

- VI. *Section 149-908.A - A minimum clear sight triangle of 75 feet (as measured from the centerline intersections of two streets) shall be provided at all intersections. The minimum clear sight triangle shall be increased to 100 feet if either street is a collector street and to 150 feet if either street is an arterial highway. There shall be no physical obstruction, planting, berm or grade above the height of 18 inches within the right-of-way section of this triangle or above the height of 2 1/2 feet elsewhere in this triangle.*



Section 149-908.B - Wherever a portion of the line of such triangle occurs behind (i.e., from the street) the building setback line, such portion shall be shown on the final plan of the development and shall be considered a building setback line.

Sight triangles shall be shown on the Plans at all street intersections. These sight triangles shall be considered building setback lines in every instance where they occur behind a building setback line for all lots located at a street intersection.

- E. *Section 170-905.E - Lighting: As required by § 170-1514. In particular, adequate lighting must be provided to the outdoor areas used by residents after dark. Appropriate lighting fixtures must be provided for walkways and to identify streets, steps, ramps, directional changes, and signs. Lighting shall be located to avoid shining directly into habitable room windows of dwelling units within the development, or into private yard areas associated with dwelling units. The requirements for lighting may be waived by the Board where density of development may not justify its use.*

A Lighting Plans shall be provided to demonstrate compliance with the referenced Ordinance section.

- F. *Section 170-907.A.(2) - Within the required acreage of open space, or elsewhere on the tract, an area equivalent to at least 10% of the net tract acreage shall be suitable and available to serve the particular recreational needs of the residents of the development. The Board may require that all, or a portion of, this recreational area be suitable for active recreation, and may further require that such area be prepared and developed for such purposes.*

Section 170-907.A.(3) - Where applicable or deemed appropriate or contained in the Township's Comprehensive Plan or Parks, Recreation and Open Space Plan, provision for pedestrian trails for public and/or private use shall be provided. This provision need not be in addition to the 10% requirement of Subsection A(2) above unless the Board determines that the entire 10% minimum must be designated for active recreation

The following shall be provided:

- Area suitable for the recreational needs of the development shall be clearly shown on the Plan. The applicant will need to demonstrate that this area is suitable for active recreation, and shall be;
 - Centrally located and accessible by the majority of the development.
 - Exclusive of steep slopes, wetlands, stormwater management facilities, including all facilities to be excluded from Qualifying Open Space as referenced above.
 - The Planning Commission and Board of Supervisors shall determine facilities to be developed as part of the active open space area, if deemed appropriate.
- G. *Section 170-907.A.(5) - The plan shall designate the use of common open space, the type of maintenance to be provided, and a planting plan or schedule.*

Section 170-907.A.(5)(e) - Areas used for subsurface infiltration or land application (irrigation of stormwater and/or treated wastewater. Open storage or settling ponds may be included where accessory to infiltration facilities. All of the stormwater management facilities may be physically located in open space areas but shall be excluded from measurement of the minimum required open space.



- The following shall be addressed: The Open Space Plan shall be revised to include the designations as referenced in the above Ordinance section.
- Area associated with the proposed stormwater basins must be excluded from the measurement of required open space and shall be shown as being excluded in the Open Space Tabulation, Sheet 1.

H. *Section 170-907.A.(7).(a) - Not less than 75 feet in width at any point and not less than 1/2 acre of contiguous area.*

The following areas, exclusive of the area shown as Non-Qualifying Open Space, shall be confirmed and excluded from Open Space as required:

- The unshaded area associated with O.S.2, shall be computed and shown. If this area is less than 0.5 acres, it shall be excluded from Qualifying Open Space Area.
- The unshaded area to the rear of Lot 46, located within O.S. 1 shall be computed and shown. If this area is less than 0.5 acres, it shall be excluded from the Qualifying Open Space Area.

I. *Section 170-907.B.(1) - Ownership of a portion of the open space may be retained by the developer and/or the original owner of the development tract, provided that the open space and recreational needs of the residents are adequately met by that portion not retained. The developer and/or original owner of the tract shall make this determination; however, the Board, at its discretion, may require that the developer and/or original owner of the tract put aside more open space for the use of the residents if, in its opinion, the amount set aside by the developer and/or original landowner is not sufficient.*

The following information shall be provided on the Open Space Plan:

- Proposed ownership of the open space.
- Maintenance responsibilities for each designation of open space.

J. *Section 170-908 – Special Requirements for Homeowner’s Associations*

The provided draft declaration for the Homeowner’s Association is subject to review and approval of the Township Solicitor.

13. *Section 170-2400.F.(4) Review and comment on subdivision or land development applications which contain historic resources, or are within 300 feet of an historic resource, in accordance with the requirements and procedures of the Township.*

The subject property is highlighted on the Westtown Township – Historic Resources Map as 2 – Of local historic value. The applicant shall confirm whether structures associated with this property are to remain or to be removed.

SUBDIVISION AND LAND DEVELOPMENT COMMENTS (WESTTOWN TOWNSHIP CODE, CHAPTER 149, SUBDIVISION OF LAND):

14. *Section 149-201 - Definitions*



LOT AREA – The acreage contained within the property lines of a lot, as defined in the deed or as shown on approved subdivision plan. Such acreage shall be exclusive of the following:

C. Any area within a permanent drainage easement.

Drainage easements (20' wide) shall be required for the following conveyance facilities and shall be deducted from the applicable Lot areas:

- Storm sewer and inlet between Lots 60 and 61
- Storm sewer between Lots 47 and 48
- Storm sewer run along the rear of Lots 26-29
- Swale and wall along the rear of Lots 2-10
- Swale to the rear of Lots 26-4
- Swale to the rear of Lots 20-25
- Swale to the rear of Lots 48-51
- Swale to the rear of Lots 52-62

Please be advised that future plan submission may warrant additional plan comments. Please do not hesitate to contact me with any questions.

Best Regards,
CEDARVILLE Engineering Group, LLC

Robert E. Flinchbaugh, P.E.
Senior Municipal Engineer

cc: Maggie Dobbs, AICP, Director of Planning and Zoning, Assistant Township Manager
Kristen Camp, Esq. – Buckley Brion McGuire & Morris LLP (kcamp@buckleyllp.com)
John Snook
Albert Federico, P.E, Albert Federico Consulting, LLC
William N. Malin, P.E, Carroll Engineering Corp.
Gregg I. Adelman, Esq., Kaplin Stewart Attorneys at Law (gadelman@kaplaw.com)
Fox Clearing, LLC., Applicant (billb@keystonecustomhome.com)
D.L. Howell & Associates, Inc., Engineer (dgibbons@dhowell.com)



ALBERT FEDERICO CONSULTING, LLC

Traffic Engineering and Mobility Solutions

133 Rutgers Avenue
Swarthmore, PA 19081

June 16, 2021

via email only

Maggie Dobbs, AICP
Director of Planning & Zoning
1039 Wilmington Pike
West Chester, PA 19382

Re: Stokes Estate (Fox Clearing, LLC)
Conditional Use - Traffic Review
Westtown Township, Chester County

Ms. Dobbs:

As requested, a technical review of the following materials has been completed relative to the Westtown Township Zoning Ordinance as well as reasonable and customary standards of Traffic Engineering practice:

- Conditional Use Plan for Stokes Estate, prepared by DL Howell, dated April 30, 2021
- Stokes Estate Residential Project Traffic Impact Study, prepared by Transportation Resource Group, Inc., dated May 2021
- Crash Analysis, prepared by Transportation Resource Group, Inc., dated April 2021

The applicant is proposing to develop sixty-eight residential dwelling units immediately south of Shiloh Hill Drive (TR 559) and east of Shiloh Road (TR 626). Vehicular access is proposed via a new street connection to Shiloh Road and an extension of Little Shiloh Road (TR 367). On-site circulation is proposed via new internal streets and sidewalks. The plan also includes four cul-de-sacs.

Please note that this review should be considered preliminary and subject to change based on the submission of revised materials to address the comments presented herein.

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

1. Conditional Use Plan
 - a. Additional information should be submitted to demonstrate that:
 - i. PennDOT stopping sight distances are provided at the intersections of Shiloh Road at Road "A", and Shiloh Hill Drive at Little Shiloh Road. This should include design assumptions, consideration of vehicles turning left into the site and vertical profiles of Shiloh Road and Little Shiloh Road. *{§149-908C}*
 - ii. Code compliant access can be provided from the Vanscovich property (Parcel 67-20-20.6) to the proposed Shiloh Hill Drive extension. *{§170-513E}*



ALBERT FEDERICO CONSULTING, LLC

- b. A continuous collector street and trails shall be developed as part of the development to provide internal through connection as required by the Board of Supervisors. *{§170-503C(3)}*
 - i. As submitted, Road "A", "B" and "C" (aka Shiloh Hill Drive extension) do not provide a continuous collector street.
 - ii. The site is proximate to several proposed trails and a recommended bike route. Consideration should be given to future connectivity.
 - c. The following issues may be addressed at Land Development but are noted here as the resolution could impact the overall number of proposed dwellings:
 - i. The Applicant should confirm that Road B is the same or greater width than Shiloh Hill Drive. *{§149-901B}*
 - ii. Cul-de-sac's "A" and "C" do not meet the required minimum length. *{§149-901F}*
 - iii. The internal streets are designed to Minor Road standards. *{§149-903A.3}*
 - iv. The cul-de-sac right-of-way and turnaround cartway paving do not meet the required minimum radii. *{§149-903A.4}*
 - v. Shiloh Road is classified as a Collector; the Board may require dedication of an additional five feet of right way along the site frontage. *{§149-903C.1}*
 - vi. A number of the vertical curves along the proposed internal streets do not provide the required minimum sight distance. *{§149-906A}*
 - vii. The internal streets do not appear to provide the required level areas approaching intersections. *{§149-907E}*
 - viii. Road "B" does not meet the minimum block length between "C" and "D". *{§149-913B}*
 - ix. The Applicant should confirm that adequate sight distance can be provided for the driveway accessing Lot 68. *{§149-915.K5}*
 - x. The Applicant should provide confirmation that the proposed grading of the internal streets will permit the construction of crosswalks in accordance with applicable accessibility standards. *{§149-916B}*
2. Traffic Impact Study
- a. The study should address sight distance at the intersection of Shiloh Hill Drive at Little Shiloh Road. *{§149-804A(2)d}*
 - b. The future condition analyses assume the traffic signal at Shiloh Road/Westtown-Thornton Road and Street Road is re-timed, reducing green times along Street Road (a PennDOT designated Critical Corridor) in favor of the minor approaches.
 - c. The following issues may be addressed at Land Development:
 - i. Traffic counts must be completed between April and November. *{§149-804A(3)g}* *There is no objection to the Applicant requesting a Waiver.*
 - ii. Additional information should be provided regarding the distribution of project traffic, specifically the significant skew towards the Shiloh Road access and lack of traffic assigned to Oakbourne Road and north Westtown Road. *{§149-804A(6)}*



ALBERT FEDERICO CONSULTING, LLC

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

Based on the preceding, the Applicant has not demonstrated compliance with the conditional use criteria in §170-2009.D(1)(h).

Please do not hesitate to contact me at 610.608.4336 or albert@federico-consulting.com should you have any questions or require additional information.

Sincerely,

Albert Federico, P.E., PTOE

John D. Snook
Innovative Planning & Conservation
snookjohnd@gmail.com
610-314-5378

June 30, 2021

Memorandum

**To: Westtown Township Planning Commission
Jon Altshul, Township Manager
Maggie Dobbs, Township Planning Director**

From: John D. Snook

Re: Stokes Conditional Use Plan

Introduction

I have reviewed the submission package for a new Conditional Use application submitted by Keystone Custom Homes for development of the property known as the Stokes Tract, under the provisions for use of the Flexible Development Procedure in the R-1 Residential District. I have reviewed the submitted documents overall as well as the pertinent zoning ordinance provisions, as well as correspondence from Maggie Dobbs, and other Township Consultants. I have not reviewed in detail the several technical submissions which require specific review by other members of your consulting team. These reviews have been reported to the Planning Commission and will be in testimony, as appropriate, during the public hearing process.

Plan Conformance with Submission Requirements.

Maggie Dobbs prepared an excellent review of the “completeness” of the Conditional Use application submission and found it incomplete. I will not duplicate her points here except to stress those relevant to my review.

It is notable that Maggie Dobbs and some of the other consultants noted discrepancies in the attribution of “net-outs” to base density calculation and in the calculation of potentially available bonus density (see §170-904.A(2)). I will not dwell on this issue except to note that use of bonus density also requires a higher level of certain design standards. Recalculation of bonus density, frankly, may also provide room for better design.

The Plan is deficient in a few ways regarding conformance with submission requirements and with the Conservation Design process. It is deficient in conformance with the Township Comprehensive Plan as required for a Conditional Use by several sections in the Zoning Ordinance. These issues are highlighted below.

Conservation Design Process

§170-906 and §170-1617 make it quite clear that the Conservation Design process must be followed for any use of the Flexible Development Procedure. It is also clear that the Site Analysis requirements of both §170-905.A(1) and §170-1617 are required to be met at the time of Conditional Use review. §170-906 and §170-1617 further stress that review of any Flexible Development proposal is intended to be undertaken cooperatively with the Planning Commission, to ensure that community conservation objectives contribute to ultimate development design. While the Ordinance infers that the Applicant should engage the Planning Commission prior to formal submission, that is not explicitly stated, and it is understandable that the Applicant would want to start the process with a formal submission in order to protect their standing. Nevertheless, it is very important that cooperative engagement with the Planning Commission to fine-tune the Conservation Design process occur during scheduled Planning Commission meetings. Such a process can result in a revised Plan that can be submitted to the Board that reflects mutual Township and Applicant objectives.

Most of the features required for site analysis by §170-905.A(1) and §170-1617 are included on the plan sheets identified as “Existing Resources Plan.” Not indicated are general geologic characteristics, drainage basin and subbasins, historic resources, paths and trails, scenic views, lands visible from public roads, or adjacent private or public open spaces. The complete lack of evaluation of historic resources, scenic views and trails and open space connections is of particular concern since it also is adverse to the purposes of the Comprehensive Plan.

Not consistently indicated are “approximate locations of natural features and principal buildings on those properties that are within 150 feet of the perimeter lot lines.” Existing vegetation is somewhat rudimentarily denoted as “trees, brush, and field” (as opposed to “woodland, meadow, pasture, cropland, ornamental garden,” etc.). Certain individual trees are indicated, presumably as deciduous or conifer, as the legend does not specify, nor are species nor sizes indicated. Approximate location of areas with a seasonally high water table are not specified, although general soil types are indicated. Predominantly hydric soils are mapped in the Comprehensive Plan (Chapter 5) and show substantial areas on this tract.

Some items related to future development, including finished topography and conceptual stormwater management are indicated or inferred on the “Grading Feasibility Plan.” Not included are site stabilization or erosion and sedimentation control plans. While listed among the required inventory items, these are more reasonably finalized after the initial planning review with the Planning Commission.

What has not clearly occurred or been demonstrated is adherence to the Conservation Design Process as set forth in §170-1617.C. As noted in §170-1617.B, “*This process is*

intended to show how the special features of the property relate to resource areas on adjacent lands, and how the development will properly relate to the features of the land that are most worthy of conservation.” Inventoried resources have not been specifically grouped and identified as “primary” and “secondary” conservation areas and, thus, there is no indication as to how the open space and development layouts respect those features or their prescribed disturbance limitations set forth in §170-1617.C(2). A plan entitled “Potential development areas concept map” has been submitted but does nothing specific to demonstrate compliance with this section. It is notable that the house lot lines are misleading as an indicator of resource disturbance limits; the “Grading Feasibility Plan” clearly shows extensive disturbance outside individual house lots in areas that may be mapped as “primary” or “secondary” conservation areas.

Written Narratives

There is also a lack of written narrative to adequately describe how the information provided has been used to influence the Plan in accordance with the required Conservation Design process. How does one assume from plan sheets how the submitted information has been used without a narrative?

In fact, §170-1617.C(3)(b) requires that: *“The applicant shall provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties.”*

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

Comprehensive Plan and related Zoning Provisions

§170-902.D stipulates: *“The location and conformity of the area shall be such that the flexible development thereof pursuant to this article would be consistent with the Westtown Township Comprehensive Plan.”* The current Westtown Township Comprehensive Plan was adopted in March of 2019.

Consistency with certain recommendations of the Comprehensive Plan and supporting ordinance provisions are either ignored or not fully clear. These relate to open space, recreation, trails, and preservation of historic and scenic resources.

Nearly the entirety of the Stokes Tract is indicated as “Open Space” on the “Future Land Use” map, other than a sliver of land along the East Branch of the Chester Creek, indicated as “Greenway.” The open space designation means that, from a comprehensive planning perspective, it was desired to preserve the property as open space. However, the Comprehensive Plan also recognizes the Stokes Tract as “unprotected open space and potentially developable” on the “Protected and Unprotected Open Space” map. Thus, the desire would be to protect as much open

space as possible in the context of residential development and notably the “primary” or “secondary” conservation areas, intended to be identified through the Conservation Design process. This also applies to the sliver indicated as “Greenway,” which largely comprises “primary” conservation areas, although not identified as such in submitted plans.

Development of recreational opportunities, notably including publicly accessible trails, and including connection to adjacent open space (such as Plumly Farm Open Space and Westtown School), is strongly recommended in the Comprehensive Plan (see Chapter 7), and also in § 170-907.A(3) of the flexible development standards. Trail and open space connections are further clearly recommended for the “Open Space” and “Greenway” designations on the “Future Land Use” map (see Chapter 11). The “Trails and Bikeways” map (Chapter 9) shows “proposed trails” on the adjacent open space properties which should be connected to as well as linking the East Branch of the Chester Creek corridor up to Shiloh Road.

§ 170-907.A(2) also requires that ten percent of the net tract acreage be suitable, available and developed for active recreational purposes; this would total approximately 6 acres. No active recreational facilities are indicated in the submitted plans.

The Township Historic Resources Map and the Comprehensive Plan note the entire Stokes Tract as “of local historical value.” While several existing structures are shown on the submitted plans, there is no indication of historic value. As indicated, these structures include a residence, a barn and silo, a garage, and a trailer. The residence and barn and silo are probably historic and should be considered for preservation under the provisions for the flexible development and the Conservation Design process.

In regard to scenic landscapes, the Conservation Design process requires identification of scenic views as “secondary conservation resources,” with the provision that at up to 50% of secondary resources could be disturbed. It was clearly the intent of the zoning text to see scenic views mapped upon the landscape, even though there was no specific text definition of “scenic.” How can 50% of any area be measured if not mapped? In a prior Court case, it was determined that a plan denial could not be upheld on the basis of failure to inventory scenic views, as scenic views were not specifically defined. That case was decided in the context of the prior Growth Management Plan which preceded the current Comprehensive Plan. On page 6-5 of the current Comprehensive Plan is found: *“Scenic landscapes (mapped version of “scenic views”) . . . have been consistently defined as those landscapes visible from the public right-of-way, which are characteristic of the natural heritage and historical settlement of the land.”* Nor have views from adjacent public roads been identified in submitted plans, a requirement that was upheld in the prior Court case.

Regardless of legal requirements (or not) to identify scenic views, § 170-1617.C(1)(c) (part) further stipulates that the *“Planning Commission may require the identification of scenic views beyond those identified by the applicant, meaning views or landscapes that the Planning Commission itself believes to be scenic and included in the identification of “secondary” conservation resources, particularly in accordance with the 2019 Comprehensive Plan.*

Impact Assessment

In regard to all of the issues noted relative to the Comprehensive Plan or the flexible development provisions or the Conservation Design process, § 170-2009.B(1) further states that *“It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this section and with any other relevant stipulations of this chapter, and to indicate means by which potential impacts from the proposed use will be mitigated.”*

No resources have been specifically identified as “primary” or “secondary” conservation areas. There is no indication that the overall plan has been designed, nor the locations of house sites and other land disturbance have been selected or designed to reflect any proposed mitigation of impacts to identified nor unidentified resources!

CCPC Review and Site Design Issues

On January 6, 2021, the Chester County Planning Commission (CCPC) issued an excellent review of the sketch plan presented at the time of consideration of amendment to the Sewage Facilities Plan. Because the current Conditional Use Plan is not dissimilar to that sketch plan (other than a few less dwelling units), the Township has not requested an additional review from CCPC at this time. It is very important that the Planning Commission and the Applicant review the CCPC letter during the current review process.

The letter notes that consistency with the County Conservation Plan (Landscapes) for the applicable “Natural” and “Suburban” landscape designations should carefully respect the noted resources and site constraints. CCPC particularly notes the lack of information regarding historic resources and the lack of provision for trail and open space connections.

CCPC also notes that the Stokes Tract is part of a Township adopted Agricultural Security Area, which is entirely inconsistent with the proposed development plans. This needs to be resolved prior to development approval and the property removed from the Agricultural Security Area.

The submitted plan is very linear in nature, reflecting the constraints imposed by the two pipelines but ignoring constraints that should be imposed by natural and historic

resources (“primary” and “secondary” conservation areas) in order to be consistent with the lay of the land.

CCPC has further suggested review and potential use of three alternative plan approaches, which I fully support. One of them involves a change to all attached dwellings and one a mixed dwelling type alternative, both permitted under the flexible development provisions. The third alternative is entirely single-family residences, as proposed here. I recognize that dwelling unit differentiation is a market decision by the Applicants. All three plans are far more consistent with the preservation objectives of the Township and include development of trails consistent with the Comprehensive Plan and the flexible development stipulations.

I strongly encourage the Planning Commission and the Applicants to fully consider these alternative plan suggestions!

Constitutional Requirement

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

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

Addendum:

Specific Comprehensive Plan References in the Zoning Ordinance (excerpted)

§ 170-902.D (Flex)

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

§ 170-906.B (Flex)

The Planning Commission shall act as the principal agent for the Board in reviewing and commenting on proposals for flexible development. As such, it shall receive and review the plans and documents, particularly with reference to the criteria for location and design as contained in §§ [170-902](#), [170-904](#), and [170-905](#) of this chapter. In addition, the Planning Commission shall evaluate the consistency of the proposed development

with the Westtown Township Comprehensive Plan, and other matters required for consideration by the Board in § [170-2009](#) of this chapter.

§ 170-907.A(1) (Flex)

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

§ 170-907.A(3) (Flex)

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

§ 170-2009.C(3) (CU requirements)

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

§ 170-2009.D(1)(b) (CU requirements)

D. Standards for conditional use approval.

- (1) *In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following standards:*
 - (a) *The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.*
 - (b) *The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.*

§ 170-101 **General purpose.**

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

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

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

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