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November 4, 2021

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

Re: Planning Commission Recommendation for Conditional Use Application
Filed by Fox Clearing, LLC- for Flexible Development of 1013 Shiloh Road
Chester County Tax Parcel No. 67-2-23 (the "Stokes Farm")

Dear Board Members:

At its meeting on November 3, 2021, the Westtown Township Planning Commission (the "Planning Commission") met to consider the conditional use application (the "Application") filed by Fox Clearing, LLC ("Applicant") for the proposed development of the above-referenced property (the "Property") with a flexible development containing single family dwellings. Applicant seeks a conditional use approval pursuant to Sections 170-902.A and 170-903.A of the Westtown Township Zoning Ordinance to develop the Property with a flexible development consisting of 68 single-family detached dwellings in accordance with Conditional Use Plans prepared by D.L. Howell, dated April 30, 2021, last revised August 31, 2021, consisting of 31 sheets (hereinafter the "Plans"). The Planning Commission also reviewed a plan titled, "Alternative Site Plan With No Lots" also prepared by D.L. Howell and dated August 31, 2021 (the "No Lot Plan").

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

The Planning Commission recommends that the Board of Supervisors (the "Board") deny the Application and Plans for the following reasons.

Applicant has not presented sufficient evidence to demonstrate that the proposed development does not unreasonably or significantly affect the protected values under the Environmental Rights Amendment to the Pennsylvania Constitution.

Applicant has not proven that the proposed flexible development will not result in or substantially add to a significant traffic hazard as required by §170-2009.D(1)(h).

If Applicant revises the Plans and presents sufficient evidence to demonstrate that the proposed development does not unreasonably or significantly affect the protected values under the Environmental Rights Amendment and presents sufficient evidence to satisfy its burden under §170-2009.D(1)(h) of the Zoning Ordinance, the Planning Commission recommends that the Board approve the Plans subject to the following conditions.

1. Applicant shall comply with outstanding comments in Cedarville Engineering's review letter dated September 17, 2021. Such comments include but are not limited to the following:

(a) Applicant shall demonstrate that the following lots meet the slope requirements of §170-402.D(3)(f) and no more than 50% of the precautionary slopes on such lots is proposed to be disturbed, graded or modified:

- Lots 19, 43, 44, 45, 48, 49, 62 and 68 on the Overall Site Plan (sheet 1 of 32); and
- Lots 19, 42, 43, 44, 47, 48, 61, 68 and 69 on the Alternative Site Plan with Historic Home (sheet 31 of 32).

(b) The maximum number of lots permitted in the flexible development shall be finally determined after Applicant complies with the outstanding comments in Cedarville's review letter. Applicant shall be required to recalculate the base density and bonus density after compliance with Cedarville's comments.

(c) Applicant shall revise its calculation of open space by excluding above ground areas proposing managed discharge and including only those areas associated with above ground stormwater management used to convey flow and minimize sedimentation to subsurface infiltration/stormwater management facilities that meet the following requirements:

- The subsurface infiltration/stormwater management facility shall fully manage up to the 100-year frequency storm, through infiltration or a combination of infiltration and managed discharge.
- The subsurface infiltration/stormwater management facility shall meet the loading ratio requirements set forth in the Pennsylvania Stormwater Best Management Practices Manual, Appendix C.
- The subsurface infiltration/stormwater management facility shall meet all other applicable requirements as set forth in the Westtown Township Stormwater Management Ordinance, Chapter 144, Article III, and the Pennsylvania Stormwater Best Management Practices Manual.

2. Applicant shall comply with outstanding comments in Albert Federico's review letter dated September 16, 2021. Such comments include the following:

(a) Applicant shall provide a driveway to Shiloh Hill Drive from the Vanscovich property (Parcel 67-2-20.6) that complies with all applicable sections of the Westtown Township Code. If necessary, Applicant shall obtain easements from the Vanscovichs in order to relocate such driveway.

(b) Applicant shall redesign Road C as it approaches the intersection with Road A to provide a level area as required by §149-907.E.

(c) Applicant shall redesign the block of Road A between Roads B and C to provide a minimum of 500 feet.

(d) Applicant should redesign Road A so that a sharp horizontal curvature (STA 8+98 to 11+40) is not introduced near the bottom of the steep grade (STA 2+57 to 10+33) approaching a pronounced sag vertical curve (STA 10+33 to 15+23).

(e) Applicant shall relocate the driveways for lots 14 and 15 so they comply with §149-915.C.

(f) Applicant shall retain the two points of access to the development and shall align Road A at the intersection with Shiloh Road across from Hunt Drive.

(g) Applicant shall provide a clear sight triangle at the intersection of Road A and Shiloh Road as required by §170-908.A and if necessary, remove any physical obstructions, plantings, berms or grades within the clear site triangle. If necessary, Applicant shall obtain necessary easements in order to provide this clear sight.

(h) Applicant shall negotiate with the Galileas (owners of Parcel 67-2-8 and 67-2-9) and seek approval to relocate their driveway so that it does not intersect with Shiloh Road and instead intersects with Road A. If the Galileas will not agree to relocate the driveway so that it does not intersect with Shiloh Road, Applicant shall relocate the driveway so that it is as far to the North as possible within the 40-foot-wide easement that encumbers Applicant's Property to provide the greatest distance away from the intersection of Road A and Shiloh Road.

(i) Applicant shall provide funds for future traffic signal adjustments at Street Road and Shiloh Road/Westtown-Thornton Road.

3. Applicant shall revise the Plans to comply with the recommendations made by Mark Gross in his Memorandum dated October 26, 2021. Such recommendations include the following:

(a) The driveway curb cuts must match the width of the proposed driveways.

(b) If the Board of Supervisors requires Applicant to install street lighting along the proposed roads, the lights shall be owned and maintained by the homeowner's association created for the development.

(c) Applicants shall revise the Plans to provide a 20-foot-wide deep snow removal easement at the head on position of all cul de sacs to allow for piling of plowed snow. If necessary, lots 19 and 42 may need to be reconfigured to provide this easement.

(d) If any lot is served by a grinder pump, such grinder pumps shall be owned by the lot owners or the homeowner association and designed in accordance with Mr. Gross' and Township sewer engineer recommendations.

4. Applicant shall design and install trails in areas depicted on the No Lot Plan. The details for the specifications of the trails shall be approved by the Board as part of the land development plan approval process. If the locations of the trails cross streams or wetlands and require issuance of permits from PaDEP or U.S. Army Corps, Applicant shall be required to obtain the same. These trails shall be open to the public but maintained by the homeowner's association.

5. The roads in the development shall be dedicated to the Township and shall comply with all relevant specifications in the Township Code unless a waiver is granted by the Board as part of land development.

6. The Planning Commission does not support the installation of lights on the proposed roads in the development and recommends that the Board of Supervisors waive the requirement for Applicant to install lights pursuant to §170-905.E. If the Board determines that lights are needed on the roads in the development, the Planning Commission recommends that they be limited to areas of significant curves in the roads and entrance locations to the development.

7. Applicant shall preserve the existing historic farmhouse located on the Property. Applicant shall consult with the Township Historic Commission on methods of preservation. Applicant shall record a conservation easement protecting the facade of the historic farmhouse as required by §170-904.A(2)(c)(1)(b).

8. Provided Applicant complies with the requirements in §170-904.A(2)(c), Applicant shall be entitled to a bonus density for the preservation of the historic farmhouse.

9. Applicant shall revise the Plans to comply with the comments from Grant Everhart, Executive Director of the Goshen Fire Company as set forth in an email communication dated October 7, 2021. Specifically, Applicant shall provide fire hydrant design flows to be at least 1000 gallons per minute and obtain approval from the water company for such fire hydrants.

10. Applicant shall provide plans to the Township which verify the location of the existing pipelines on the Property as well as the depth at which these pipelines are installed.

11. Applicant shall prepare a safety plan for review and approval by the Public Works Director, Goshen Fire Company and the Township's Emergency Management Coordinator that outlines the safety measures and construction techniques that Applicant shall adhere to when performing any earthwork or construction in the development. The safety plan shall at a minimum comply with the requirements of the two pipeline companies and all relevant federal, state and County requirements and PHMSA and/or U.S. DOT pipeline safety requirements.

12. Applicant shall prepare an emergency evacuation plan that identifies an evacuation plan for the residents of the development in the event of a pipeline accident, leak or explosion. The evacuation plan shall be approved by the Township's Emergency Management Coordinator.

13. Applicant shall include in the agreements of sale for any lot within 25 feet of an existing pipeline on the Property notification that the lot and dwelling are located within 25 feet of the pipeline containing hazardous materials. The notification shall be signed by all prospective buyers verifying that the lot owner is aware of the location of the pipeline and the restrictions for development within such lot.

14. Applicant shall provide to the owners of the pipelines on the Property and the Chester County Emergency Management Services copies of the preliminary land development plans and seek input from these entities on what restrictions and safety protocols Applicant shall adhere to in the design and construction of the development. Applicant shall provide the Township with copies of all communications with the pipeline companies and implement the companies' safety recommendations. Part of the safety plan shall include measures that Applicant and all contractors involved in the construction of the development must adhere to when construction vehicles and heavy equipment must traverse the pipelines.

15. If during earthmoving or construction of the development, Applicant or its contractors damages the pipelines, Applicant and its contractors shall provide immediate notification to the Township and the emergency responders.

16. Applicant shall include in the deeds for the lots which contain or abut the pipeline easements, the homeowner's declaration and in the public offering statement that is provided to prospective buyers' disclosures of the existence of the pipelines on the Property and restrictions for what can and cannot be developed or built within the pipeline easements and within 25 feet from the pipelines. The Township shall approve the disclosures and the terms to be included in the deeds, Declaration and public offering statement.

17. Prior to any earth disturbance or construction on the Property Applicant shall demarcate the area of the pipeline easements and such markers shall be maintained throughout the course of construction. Permanent markers shall be installed and maintained in perpetuity.

18. The Plans shall be revised to add a note which restricts the total impervious cover that can be constructed on each individual lot. 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.

19. If the development is built, the Planning Commission prefers that the development be designed with individual lots that are conveyed to individual owners, as opposed to the No Lot Plan where the owner only owns the footprint of the dwelling unit.

The Planning Commission also recommended that it be permitted to intervene in the hearings and seek party status.

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

Very truly yours,



Kristin S. Camp

KSC/tbs

cc: Jon Altshul, Township Manager (*via email to jaltshul@westtown.org*)
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