

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, October 18, 2023 – 7:00 pm

Stokes Assembly Hall – Township Administration Building
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at administration@westtown.org.

Call to Order and Pledge of Allegiance

Adoption of Agenda

Approval of Minutes

Planning Commission Meeting October 4, 2023

Announcements

Public Comment – Non-Agenda Items

Old Business

1. Land Development Application – Westtown School Oak Lane Project

The applicant, Westtown School, has submitted a land development application for number of improvements to the athletic fields located on the school's campus within the A/C Agricultural/Cluster Zoning District, which include support building, conversion of athletic fields, installation of bleachers, benches and scoreboards, permanent lighting for one field, conversion of parking area into paved 93 spaces, walkways, associated stormwater management facilities and landscaping. The approval for permanent lighting of one athletic field has been granted via conditional use under Section 170-1514.D(5) of the Zoning Ordinance.

2. Ordinance Amendments – Parking Regulations

The Township traffic engineer provided recommendations on potential changes to Chapter 170, Article XVII, Off-Street Parking and Loading, specifically regulations pertaining to shared parking, parking reserve area and shopping center parking to allow for modifications to the number of required parking spaces, a parking study to be completed and to encourage conversion of parking to landscaped areas. Recommendations to potential changes to parking requirements for residential uses will be discussed as well.

3. Ordinance Amendments – Fences

The Township staff conducted an evaluation of the existing fence regulations and seek the Commission's feedback on potential changes, including their applicability, regulated minimum setbacks, maximum height and use of barbed wire and/or other anti-trespassing materials.

4. Ordinance Amendments – Outdoor Burning

The Township staff evaluated the existing outdoor burning regulations with the assistance of the Township Emergency Management Coordinator (EMC) and seek a feedback on incorporating language pertaining to the use of fire pits and other outdoor recreational devices.

5. Ordinance Amendments - Managed Meadows

The EAC has recommended managed meadows be permitted as a permitted property use

because of the many ecological benefits they provide, including creation of native habitats for plants and wildlife, decreasing stormwater runoff and improving stormwater infiltration, and reducing the need to run gas or electric power mowers. A draft ordinance amendment has been previously prepared to allow for managed meadows and provide regulatory requirements for their care and maintenance.

New Business

Public Comment

Reports

Board of Supervisors Meeting October 16, 2023 – Tom Sennett/Joe Frisco

Adjournment

Next PC Meeting: **November 8, 2023, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday November 6, 2023, 7:30 PM** – Brian Knaub/Jack Embick

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, October 4, 2023 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Tom Sennett (TS), Jim Lees (JL), Brian Knaub (BK), Joseph Frisco (JF) and Kevin Flynn (KF) were present. Also present were Bob Flinchbaugh, Township Engineer, and Albert Federico, Township Traffic Engineer.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:03 PM.

Adoption of Agenda (JE/JL) 7-0

Mr. Embick made a motion to adopt the agenda. Mr. Lees seconded. All were in favor of the motion.

Approval of Minutes (JE/TS) 7-0

Mr. Embick made a motion to adopt the meeting minutes from September 6, 2023. Mr. Sennett seconded. All were in favor of the motion.

Announcements

1. Ms. Carter announced that the ZHB application for 1131 S. Chester Road for special exception to allow for the sole practitioner's medical office to be located at the lower level of the dwelling.
2. Ms. Carter reminded everyone that Conditional Use Hearing #3 for the Stokes Estate Flexible Development is October 24, 2023 at 7pm.
3. Ms. Carter noted that the West Goshen Planning Commission will discuss the Conditional Use application to redevelop a portion of the existing Parkway Shopping Center with a proposed convenience store and fueling stations at their October 10, 2023 meeting. Considering its proximity to Westtown, she encouraged the Planning Commission members to attend.

Public Comment – Non Agenda Items

None

Old Business

None

New Business

1. Land Development Application – Westtown School

Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant provided a brief overview of the land development application to install various improvements to the athletic fields at the Westtown School. She pointed out that proposed lighting is compliant as per the Township consultant's review letter and noted that request for emergency lighting for pathways has been addressed. She referred to the plan set that depicted three fixtures on the walkway between the parking area and athletic fields connected to the emergency power source to provide lighting in emergency situations.

Chris Benbow, Head of Westtown School, explained the need for conversion of grass fields to turf and other upgrades to accommodate the expansion of athletic programs and enable the fields to be used for soccer, lacrosse, and field hockey during various weather events throughout the year.

Mr. Embick wanted to know whether the Township consultants have reviewed the revised plan set yet. Bob Flinchbaugh explained that the review is in the process, but the letter has not been issued yet. Ms. Gerber noted that there were preliminary comments from the Township consultants that the applicant is in the process of addressing. She explained that due to these comments, the applicant can comply with all but one comment pertaining to landscaping requirements, without having to ask for waivers.

Jason Best, landscape architect with the ELA Group, explained that the applicant initially asked for several waivers of the landscaping requirements; however, after receiving a feedback from the Township consultants, the site plans were revised with two or three landscaping waiver requests withdrawn. The applicant still seeks a waiver as it relates to perimeter landscaping under Subdivision and Land Development Ordinance (SALDO), specifically Section 149-925.G(1). Mr. Best pointed out that the 195-acre parcel has three frontages with one along Oak Lane, street owned by the school. He stated that during the conditional use process for both solar panel facility and athletic field lighting, the landscaping along Shady Grove Way was discussed, and as a result, the Board of Supervisors requested for that landscaping be unified along the entire stretch of Shady Grove Way. Mr. Best argued that 113 acres of the parcel is in agricultural lease and felt it did not make sense to provide perimeter landscaping along actively cultivated frontages, which would impede access and cast shadow creating less useful agricultural areas. He further noted that there are already mature canopy trees lining both sides of Oak Lane. Mr. Best also explained the complication of providing financial security for landscaping along portion of Shady Grove Way as part of the solar panel project as they are not a component of the land development project subject to this application. Mr. Flinchbaugh recapped his recommendation that the applicant provide financial security for landscaping along Shady Grove Way associated with the solar project under this application to ensure it will be completed if the solar project is delayed.

Mr. Sennett asked about the rationale behind the landscaping requirement of number of trees per 100 linear feet per frontage. Mr. Flinchbaugh referred to the intent of the ordinance to provide adequate buffering along the roadways. Mr. Sennett wondered whether proposed landscaping serves that objective. Mr. Flinchbaugh reiterated that the applicant is required to comply with the requirements as it applies to the street frontages, including Shady Grove Way up until the point where the solar facility project starts. Mr. Sennett questioned the need to require landscape buffering along the private roadway since the abutting properties are owned by the school. Mr. Flinchbaugh explained that buffering requirements the ordinance defines the roadway as a roadway either privately or publicly owned, thus compliance is called upon. He believed that rationale is to provide visual barrier and to shield the headlights from travelling vehicles. Mr. Embick noted that there are structures and residences to the north side of the lane.

Mr. Embick raised a question about the consistency of perimeter landscaping for athletic field improvements and landscaping for solar panel facility and whether it would look different. Mr. Flinchbaugh explained that the landscaping buffer for athletic fields shall comply with ordinance provisions as it falls under the SALDO and acknowledged that it would look different because it serves a different purpose. He noted his main concerns of buffering of the perimeter of the site in proximity to the fields to minimize the effects of the glare associated with the proposed lighting. Mr. Embick asked whether the Township has received any comments from the neighbors who live across from Shady Grove Way about the proposed athletic field improvements. Ms. Carter noted she was not aware of any. Mr. Embick asked Mr. Flinchbaugh to summarize how the ordinance requirements align with the school's proposal pertaining to landscaping. Mr. Flinchbaugh referred to his review letter that cites buffering requirements applicable to this project due to the higher intensity of proposed use, which would involve outdoor lighting, vehicular headlights, and noise. He compared that with the solar panel facility lower intensity use, which did not propose the same robust landscaping. He pointed out that the applicant is requesting relief to allow non-compliance with the visual requirements as it applies to the solar

farm portion for the property. Mr. Flynn wanted to know which project will likely be completed first. Ms. Carter noted that the solar panel facility is under review, and will likely be approved prior to the athletic fields project.

Mr. Best confirmed that the applicant is asking for a modification of perimeter landscaping requirement for this project to only continue the landscaping as proposed for the solar panel facility along the entire stretch of Shady Grove Way. He argued that the ownership of Oak Lane, active agricultural use of the property, existing tree mass, and terrain difference along the frontages fulfil the intent of buffer requirement. Mr. Hatton asked about the landscaping for proposed parking lot. Mr. Best noted that those requirements have been met.

Mr. Flinchbaugh noted that he intends on providing a review letter with feedback on proposed landscaping and addressing the waiver request.

Al Federico pointed out several deficiencies in the application pertaining to traffic, including sight distances, the radius at the intersection of Oak Lane and Westtown Road, and right-of-way frontage. Mr. Lees asked if a 35 foot radius at the intersection would help improve safety. Mr. Federico believed that larger radius would improve the movement from Oak Lane to Westtown Road. He also noted the impact on the existing stone wall which is an historic element that the Planning Commission might want to see preserved. Mr. Lees expressed his support for a 35 foot radius to improve safety.

Mr. Flynn wanted to know the approximate construction date. Mr. Benbow hoped the start of construction will occur between March and April 2024.

Mr. Flynn referred to the Chester County Planning Commission letter, specifically a recommendation for the Westtown School to preserve the remaining agricultural lands and asked whether it was something that the school would even consider. Ms. Gerber noted that the school has already committed hundreds of acres to open space and questioned the intent of the suggested restrictions and their impact on actively farmed agricultural area.

Mr. Hatton asked whether the Township engineer's comments pertaining to riparian buffers and steep slopes have been addressed. Mr. Flinchbaugh explained that he believed the applicant intended to fully addressing those comments.

Mr. Embick asked if the school evaluated whether this project adversely impact the values that are protected by Article I, Section 27 in the Pennsylvania Constitution. Ms. Gerber described the site as an already developed area with the school taking an environmentally sensitive approach without encroachment into areas with sensitive natural features.

Mr. Hatton wanted to know whether the school was reconsidering the conversion of grass fields into artificial turf due to latest safety concerns raised by the National Football League (NFL). Mr. Benbow explained that the school has several options to choose from, including professional grade natural grass with all sport intended features. Mr. Embick asked whether some turf products were safer than the others. Mike Rufo, the applicant's contractor, described the use of various turf products over the years, and changes that have been made to the infill to improve safety. He noted that the school is committed to putting one of the best shock pads underneath the artificial turf with organic or natural infill that should address the impact issue raised by the NFL. He further explained that the NFL's primary concerns are the impact and the rubber infill, not the top layer produced by various manufacturers, and described the manufacturing and testing process for infill turf field products.

The Planning Commission members asked the applicant to come back to the next Planning Commission meeting for further discussion on the proposed land development project.

2. Ordinance Amendments
a. Shopping Center Parking

Al Federico recapped that the Planning Commission expressed interest in reevaluating current parking requirements, and that he has previously provided an overview of parking trends as well as several samples of shopping center parking ordinance language. He referred to the document he prepared for the PC members that included current language and his recommendations and asked for a feedback. In summary, he suggested changes to requirements pertaining to shared parking, shopping center parking, and parking reserve area to allow for modifications to the number of required parking spaces, to require a parking study to be completed by the applicant, and to encourage the conversion of parking areas to green space. Mr. Federico noted that his suggestions are generally aligned with the ordinance samples provided previously. He explained that the proposed changes to the reserve parking area regulations would make it more viable for future redevelopment. For shopping center parking, he suggested allowing 3.5 parking spaces for 1,000 gross leasable space, as long as the parking study demonstrates that it can be accommodated. Mr. Federico also suggested a provision that requires a conversion of demolished parking areas to landscaped areas. He believed that the proposed changes to shared parking requirements provided a balance to parking demands for various uses within the property, and recommended that shared parking agreements be executed to address long-term maintenance responsibilities.

Mr. Embick asked whether these requirements would only relate to future developments or can be utilized for redevelopment. Mr. Federico believed that the applicant could submit a request for amended land development plan to apply the revised parking regulations, but suggested consulting with the Township solicitor.

Ms. Carter asked whether changes to the dimensions of parking spaces shall be considered. Mr. Federico explained that for high turnover uses, such as shopping centers, the best practice is to have 10 feet by 20 feet parking spaces to allow for easy maneuvering within the parking area, while smaller spaces can be considered for less intensive use areas, such as apartment complexes and office buildings.

Mr. Embick asked whether the proposed changes would fix the concern with number of parking spaces proposed as part of the land development for a bank at Westtown Marketplace. Mr. Federico believed that these changes would be favorable.

Mr. Hatton suggested evaluating the parking regulations for residential uses as well as addressing concerns that more parking shall be required. Mr. Federico promised to do so by the next meeting.

b. Fences

Mr. Embick asked whether Mr. Patel, property owner at 811 E. Sage Road, had any comments on the meeting materials pertaining to fence regulations. Mr. Patel said that he has several suggestions. Mr. Embick suggested that Mr. Patel provide a written recommendation to be discussed at the next meeting. Mr. Patel agreed.

c. Outdoor Burning

This agenda item was tabled until the next meeting.

Public Comment

None

Reports

1. Mr. Embick proposed to skip the BOS report from the September 5 meeting and adjourn.

Adjournment (JE/TS) 7-0

The meeting was adjourned at 8:45 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

DRAFT



October 13, 2023

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

RE: Westtown School Athletic Field – Oak Lane Project
Land Development Review – Second Review
Westtown Township
0236-23-0213

Dear Mr. Altshul,

As requested, Cedarville Engineering Group, LLC (CEG) has completed a Land Development Review for Westtown School Athletic Field – Oak Lane Project. The site (Parcel ID number 67-2-27) comprises roughly 195 acres and is located on the south side of Oak Lane, in the Agricultural/Cluster Residential (A/C) Zoning District of Westtown Township. The project includes: the construction of two (2) athletic fields, associated parking, relocation of the existing softball field, a support building, and stormwater management facilities.

The following information was received by our office on September 29, 2023:

- A. Water Usage Narrative dated September 27, 2023 prepared by the ELA Group, Inc.
- B. Riley Riper Hollin & Colagreco Resubmission Letter dated August 3, 2023.
- C. Full size Plan titled “Preliminary/Final Land Development Plan for Westtown School – Oak Lane Project” consisting of 49 Sheets (1-23, 24A, and 24-48 of 48), prepared by ELA Group, Inc., dated January 27, 2023 and last revised September 19, 2023.
- D. Waiver Request Letter dated September 27, 2023.
- E. NPDES PCSM Module 2/Post Construction Storm Water Management Report dated January 27, 2023 and last revised September 19, 2023.
- F. Reference Letter from Daktronics regarding scoreboard lighting levels undated.
- G. Response Letter prepared by ELA Group Inc., dated September 27, 2023 to CEG Review Letter dated September 1, 2023.
- H. Erosion and Sediment Control Report prepared by the ELA Group, Inc., dated January 27, 2023 and last revised September 19, 2023.

The plan has been granted conditional use approval on June 19, 2023 with the following conditions:



- 1) The Applicant shall consider during land development the installation of emergency backup lighting to illuminate segments of the pathway leading from the parking lot to the athletic field where the pole lights will be installed.

CEG Comment: The lighting has been shown on the Plan. This condition has been satisfactorily addressed.

- 2) Lighting for all parking lots associated with the use of the athletic fields shall comply with all applicable Township Ordinances and regulations.

CEG Comment: CEG defers to the Township’s Lighting Consultant to confirm compliance.

- 3) All conditions of the conditional use approval imposed by the Board shall be clearly set forth on the Land Development Plans and recorded as conditions of final Land Development Approval.

CEG Comment: The conditions set forth by the Conditional Use Decision have been shown on Sheet 1 of the Land Development Plans. This condition has been satisfactorily addressed.

- 4) The Applicant shall provide truck turning templates to the Township demonstrating that emergency vehicles may safely access the parking lot located closest to the athletic fields.

CEG Comment: CEG defers to the Township’s Traffic Engineer to confirm compliance.

- 5) The Applicant shall provide the specifications for the scoreboard which must meet all relevant Township Ordinance requirements.

CEG Comment: CEG defers to the Township’s Lighting Consultant to confirm compliance.

- 6) Applicant shall analyze the intersection of Oak Lane and Westtown Road and coordinate improvements with the Township and its consultants to the extent necessary to address visibility and ensure appropriate sight distance.

Comment: CEG defers to the Township’s Traffic Engineer to confirm compliance.

- 7) If required by PennDOT or Township criteria, the Applicant shall obtain a permit for the existing flashing signal that was installed on Oak Lane.

CEG Comment: CEG defers to the Township’s Traffic Engineer to confirm compliance.

- 8) The Applicant shall provide specifications for the public announcement system and such system must comply with all relevant Township Ordinance criteria.



CEG Comment: The Noise Propagation Survey prepared by Everbach Acoustics shall address comment number 7 in CEG’s May 5, 2023 Conditional Use Review Letter.

CEG Comment: This comment has been satisfactorily addressed.

- 9) If the Applicant or its agent(s) obtains conditional use approval for the installation of solar panels on its property, it shall provide consistent landscaping buffers on the Land Development Plan associated with the athletic fields improvements as well as the Plans for solar panel installation.

CEG Comment: Comments pertaining to proposed landscaping are included in this letter.

- 10) The Applicant and the use and development of the Property shall comply with the representations and commitments made in the testimony and exhibits presented at the hearing to the Board.

CEG Comment: CEG defers to the Zoning Officer to confirm compliance.

- 11) The Applicant and the use and development of the Property shall comply in all respects with all ordinances and regulations of Westtown Township and with all applicable provisions of any statute, ordinance or regulation of any municipal or governmental entity having jurisdiction over the Property or the uses thereon.

CEG Comment: The Plans shall comply with this Review Letter and all correspondence provided by the Township and its consultants.

- 12) The athletic field light system may only be energized in conjunction with an event directly related to and under the control of the educational or sports program of Westtown School. No private organizations or other public entities may use the athletic field lights for lighted events of any reason.

CEG Comment: Notes stating the above condition have been added to the Plan. This condition may be considered satisfactorily addressed.

The following waivers have been requested by the Applicant:

- I. Section 144-311.B.(3) and Section 149-803.B.(3).(c) – to allow for HDPE drain basins in select locations instead of precast concrete.

CEG offers no objection to consideration to allow HDPE drain basins in lieu of precast concrete inlets for the following inlets as shown on the Plans in the vicinity of the fields: I-B6, I-B12A, I-B14, I-B13, I-B12, I-B11, I-B10, and I-B9.

- II. Section 144-311.B.(4) and Section 149-803.B.(3).(d) – to allow for 0” drop between invert in elevations to structures and the subsequent invert out elevations.

CEG offers no objection to consideration of relief from providing a minimum two-inch drop in inlets in the pipe run from I-B14 to EW-2.

- III. Section 144-311.B.(8) and Section 149-803.B.(3).(g) – to reduce the minimum storm sewer size to 8 inches.

CEG offers no objection to consideration of relief from minimum pipe diameter of 15 inches to allow 12 inches, 10” inch, and 8-inch diameter pipes from A-A11 to I-A8, I-B14 to OCS-2, I-B6 to MH-B3, and I-B12A to I-B12.

- IV. Section 144-311.B.(9) and Section 149-803.B.(3).(h) – to reduce the minimum cover for storm sewers in lawn areas from 24” to 12”.

CEG offers no objection to consideration of relief from providing 24 inches of cover over pipes for pipes located in lawn or field areas, provided that a minimum of 12 inches of cover is provided.

- V. Section 144-311.B.(11) – to reduce the minimum pipe velocity to less than 3 feet per second.

CEG offers no objection to consideration of relief to allow a minimum pipe velocity of less than 3 feet per second for storm pipes, applicable to pipes with a slope of less than 0.75%.

- VI. Section 144-311.C.(3) and Section 149-803.B.(4).(c) – to allow for a 0% basin bottom slope to promote infiltration.

CEG offers no objection to consideration of relief as it applies to BMP 1 to support infiltration in the BMP.

CEG offers no object to consideration of relief as it applies to BMP 4 provided that the facility is redesigned to demonstrate compliance with the applicable criteria set forth in Sections 144-305 and 144-306 of the Stormwater Management Ordinance.

- VII. Section 144-311.C.(5) and Section 149-803.B.(4).(e) – to allow for SLCPP in lieu of concrete pipes for basin outlet barrels and to reduce the minimum anti-seep collar projection based on dimensions calculated following the PA DEP E&S Manual.

CEG has no objection to consideration of relief from using concrete pipes for basin outlet pipes provided that the anti-seep collars are designed in accordance with all applicable PADEP requirements.

- VIII. Section 149-700.A – to allow for submission of a Preliminary/Final Plan instead of a Preliminary then Final Plan.

CEG offers no objection to consideration of this request.



- IX. Section 149-702.B.(7) – to not provide a full boundary of the parcel with bearing and distances on the Plan.

CEG offers no objection to consideration of this request due to the extents of the property with respect to the size and location of the Project.

- X. Section 149-925.G.(1) – to provide perimeter plantings consistent with what had been negotiated during the Conditional Use Hearing for the Athletic Field.

CEG offers no objection to consideration of this request, conditioned upon the following resolution of comment # 61, below:

- **The Athletic Field and Solar Farm Plans show consistent buffering/planting.**
- **The perimeter yard planting requirement for the referenced area is consistent with Section 149-925.G.(1).**
- **All “glare” concerns are eliminated via plantings to be included in this application.**

The referenced documents have been reviewed for compliance with Chapter 80 – Erosion, Sediment Control and Grading, Chapter 144 – Stormwater Management, Chapter 149 – Subdivision and Land Development Ordinance, and 170 – Zoning Ordinance.

Chapter 80 – Erosion, Sediment Control and Grading

1. *Section 80-5.B – A topographical survey of the site, at a suitable scale of no less than one inch equals 50 feet and contour interval of no more than two feet zero inches, prepared by a registered surveyor or registered engineer, including also a boundary line survey, the location and description of vegetative cover, soil types (available from Chester County Soil Conservation District) and any other pertinent existing natural or man-made features.*

Section 80-5.D – A written description of soil erosion and sediment and control measures (with appropriate plans and specifications), in accordance with standards and specifications of the USDA Soil Conservation Service, Chester County Conservation District and township ordinances, including, without limitation, retention basins or other control measures necessary to limit the rate of stormwater runoff to comply with the requirements of § [80-6C](#) hereof.

September 1, 2023 Comment: The following shall be addressed:

- An Erosion and Sediment Control Narrative and Report shall be submitted to the Township with future submissions and shall include supporting calculations for all proposed BMPs.
- CFS #18-5 shall be relocated to not cross the construction entrance. As Construction Entrance #3 is labeled “optional”, permanent CFS shall be located on both sides with a CFS wholly within the roadway to be installed when RCE #3 is not present.
- The Construction Sequence shall clarify how the installation of stormwater inlets/storm sewer shall coincide with the installation of the rock construction entrance.



- Additional perimeter controls shall be provided between Sediment Trap #1 and CFS #24-6.
- Additional perimeter controls shall be provided along Oak Lane at the northern most edge of the slope grading to prevent runoff entering the small existing swale.
- The Erosion and Sedimentation Plan shall provide compost filter sock around the perimeter of the proposed topsoil stockpile.
- The word “recommended” shall be removed from the topsoil stockpile label.
- General Erosion and Sediment Control Notes 1, 2, 27, and 33, Construction Staging Notes A and B, and General Sequencing of Construction Activities 3, 7, and 25 shall be revised to include “and Westtown Township” immediately following Chester County Conservation District.
- General Erosion and Sediment Control Notes 12 and 13, Sheet 3, shall be revised to reference the installation of compost filter sock, or clarification shall be provided to indicate where the installation of silt fence is proposed.
- Sediment Basin B-1 Detail (Sheet 36 of 48), Sediment Trap A Cross Section Detail (Sheet 36 of 48), Sediment Trap #1 callout (Sheet 17 of 48) and Sediment Basin #4 callout (Sheet 18 of 48) shall be revised for consistency with designations provided on the Erosion & Sedimentation Control and PCSM Plans. Applicable references within the Construction Sequence (Sheet 4 of 48) shall be updated accordingly.
- The location of the diversion berm referenced in Construction Sequence Step 14 (Sheet 4) shall be shown on the Erosion and Sedimentation Control Plan.
- Steps shall be added to the Construction Sequence directing the conversion of sediment traps/basins to permanent stormwater BMPs.
- Emergency spillways associated with Sediment Trap #1 and Sediment Basin #4 shall be clearly shown on the Erosion and Sedimentation Control Plans, Sheets 17 and 18.
- A step shall be added to the Construction Sequence referencing the installation of high visibility fencing around the areas for proposed BMPs in accordance with Infiltration System Construction Notes 1 on Sheet 2 of 48.

Current Comment: The following shall be addressed:

- **The provided supporting calculations shall be revised for consistency between the Plans, Details, and Calculations as follows:**
 - **The riser elevation for the permanent structure shall be increased to above 290.75. Currently this structure has a crest elevation of 290.5 shown on the Sediment Trap 1 Cross Section Detail on Sheet 37 and a value of 291 on Page 22 of the Calculations. This configuration will result in discharge from the basin prior to the design values in the supporting calculations.**
 - **The supporting calculations on Page 22 of the Report shall revise “Sediment Trap A” to “Sediment Trap 1”.**
 - **The bottom elevation shown on the Sediment Trap 1 Cross Section detail (288.5) and the bottom elevation on page 23 of the report (288.8) shall be revised to coincide with one another.**
 - **The emergency spillway for Sediment Basin 4 elevation shall be included with the Sediment Basin 4 Detail on Sheet 37.**

- **The outlet pipe invert elevation for Sediment Basin 4 shown on the Detail on Sheet 37 (307.25) shall coincide with the invert elevation on Page 28 of the Report (307.0).**
- **The emergency spillway side slopes on Page 22 (8:1) and Page 35 (5:1) shall coincide with one another.**
- **The emergency spillway side slopes on Page 26 and 28 (8:1) and Page 36 (6:1) shall coincide with one another.**
- **The provided routings in the Report (Pages 30-32) shall include routings for Sediment Basin 4 and a Pond Report for Sediment Trap 1 to validate the outflows noted on Report Page 37.**
- **Riprap aprons and supporting calculations shall be provided for both Sediment Trap 1 and Sediment Basin 4. The details shall be revised accordingly to provide design information to facilitate installation. Noting “N/A” as shown on the Sediment Trap A detail is not acceptable.**
- **Construction Sequence Step 2 shall be revised to include sealing/protecting the inlet locations at the construction entrances to prevent clogging of the conveyances.**
- **Grading associated with the Diversion Berm, conveying flow to Sediment Trap #4 shall be shown.**

Chapter 144 – Stormwater Management

2. *Section 144-108 – For all activities requiring submittal of a stormwater management (SWM) site plan that involve subdivision or land development, the applicant shall post financial security to the municipality for the timely installation and proper construction of all stormwater management facilities as required by the approved SWM site plan and this chapter, and such financial security shall:*
- A. Be equal to or greater than the full construction cost of the required facilities except to the extent that financial security for the cost of any of such improvements is required to be and is posted with the Pennsylvania Department of Transportation in connection with a highway occupancy permit application; and*
 - B. Be determined, collected, applied and enforced in accordance with Sections 509 through 511 of the MPC and the provisions of the municipality's Subdivision and Land Development Ordinance (SALDO)*

Section 144-403.G – Financial security, per the requirements of § 144-108, shall be submitted to the municipality prior to approval of the SWM site plan.

September 1, 2023 Comment: Financial security in an amount acceptable to the Township shall be provided prior to Plan recording. A Construction Cost Estimate shall be submitted for review and approval, with the required financial security incorporated into a Developer's Agreement to be executed prior to Plan recording.

Current Comment: The Applicant has responded that an Opinion of Probable Costs will be submitted for review and approval. The previous comment remains applicable.



3. *Section 144-301.T – Disturbance of existing ground cover during construction of the proposed regulated activity is prohibited within 75 feet of top-of-bank of all perennial and intermittent waterways, water bodies (lakes, ponds, etc.) and wetlands, except for activities otherwise approved by state or local agencies (e.g., stream restoration projects, road crossings, subsurface utility projects, etc.). At the Municipal Engineer's discretion, and with conservation district and PADEP approval where necessary, the nondisturbance buffer may be reduced because of setback or other site constraints, but never be less than 10 feet.*

September 1, 2023 Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG does not recommend consideration of this request because the Riparian Buffer areas, as defined in Section 144-301.U of the Township's Stormwater Management Ordinance, are not currently shown on the PCSM Plan. If compliance with the applicable criteria in the referenced Ordinance section cannot be achieved, request for applicable relief will be reevaluated.

Current Comment: The Applicant has withdrawn the previously requested waiver. This comment has been satisfactorily addressed.

4. *Section 144-301.U.(1) – Where a development site is traversed by perennial or intermittent watercourses, riparian buffers shall be provided conforming to the line of such watercourses. The riparian buffer shall be created to extend a minimum of 75 feet to either side of the top of the bank of the channel, unless a wider riparian buffer is required by the provisions of Pennsylvania Code Chapter 102, as amended, in which case the greater of the two shall apply.*

Section 144-402.C.(8).(p) – Boundaries of riparian buffer(s) as required by the Westtown Stormwater Management Ordinance § 144-301U.

Section 144-402.C.(8).(q) – Boundaries of a seventy-five-foot construction nondisturbance buffer to protect stream (intermittent and perennial), wetlands and other water bodies during construction of the proposed regulated activity.

September 1, 2023 Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG does not recommend consideration of this request, as the Riparian Buffer areas, as defined in Section 144-301.U of the Township's Stormwater Management Ordinance, are not currently shown on the PCSM Plan. If compliance with the applicable criteria in the referenced Ordinance section cannot be achieved, the request for applicable relief will be reevaluated.

Current Comment: The Applicant has withdrawn the previously requested waiver. This comment has been satisfactorily addressed.

5. *Section 144-305.A – The post-construction total runoff volume shall not exceed the predevelopment total runoff volume for all storms equal to or less than the two-year, twenty-four-hour duration precipitation (design storm). The water quality and runoff*

volume to be managed shall consist of any runoff volume generated by the proposed regulated activity over and above the predevelopment total runoff volume and shall be captured and permanently retained or infiltrated on the site. Permanent retention options may include, but are not limited to, reuse, evaporation, transpiration, and infiltration.

September 1, 2023 Comment: The following shall be addressed:

- Appendix D of the Stormwater Management Report, “Infiltration Basin BMP 4 Calculations”, reference a Volume Infiltrated value of 18,850 cubic feet, however the “Typical Infiltration Basin/Rain Garden Cross Section Detail”, Note Number 7, states that “Basin B-4 is not designed as an infiltration basin, but to function as a water quality BMP. The subgrade is to remain uncompacted and prepared for information, however geotechnical testing is not required. The underdrain valve for Basin B-4 is to remain open.” This discrepancy shall be addressed.
- The “Storage Volume” cell on the provided DEP worksheet for BMP 1 shall be revised to 12,201 CF, consistent with the storage provided at the lowest outflow elevation (2” weir at 290.50).
- The Infiltration BMP 2 Outlet Structure Detail on Sheet 41 of 48 shall revise the riser pipe crest elevation from 1368.25 to 316.75, consistent with the Stormwater Management Report.
- The Infiltration BMP 3 Outlet Structure Detail on Sheet 41 of 48 shall revise the riser pipe crest elevation from 1368.25 to 321.75 and shall label the 3” orifice elevation of 321.0, consistent with the Stormwater Management Report.

Current Comment: This comment has been satisfactorily addressed.

6. *Section 144-306.H.(3) – Design the infiltration facility for the required retention (infiltration) volume based on field-determined infiltration capacity (and apply safety factor as per applicable design guidelines) at the elevation of the proposed infiltration surface.*

Section 144-306.I.(1) – A minimum depth of 24 inches between the bottom of the BMP and the top of the limiting zone. Additional depth may be required in areas underlain by karst or carbonate geology. (See § 144-306M.)

Section 144-306.I.(3) – The infiltration facility shall completely drain the retention (infiltration) volume within three days (72 hours) from the end of the design storm.

September 1, 2023 Comment: The following shall be addressed:

- Test pit data, including but not limited to limiting zone elevation and infiltration rates, shall be provided in the Stormwater Management Report to demonstrate compliance associated with BMP1 with the above referenced criteria.
- The above referenced test pit locations shall be shown on the PCSM Plan.
- Dewatering calculations shall be amended as applicable based upon the above referenced testing results.
- If BMP 4 is not to be utilized as an infiltration facility, all references to infiltration and dewatering associated with this facility shall be eliminated.

- The plan dimensions of the infiltration beds to be located under the synthetic turf fields (BMP 2 and 3), shall be shown on the PCSM Plan and the Multipurpose Field/Infiltration Bed Cross Section Details, Sheet 41.

Current Comment: This comment has been satisfactorily addressed.

7. *Section 144-306.M – Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system.*

Section 144-311.E.(1) – A sump shall be provided between the impervious area and the in-ground facility to collect and trap sediment and debris before reaching the in-ground facility.

September 1, 2023 Comment: Sumps, with a minimum depth of six (6) inches below the lowest pipe invert, shall be provided at structures located immediately upslope of proposed BMPs.

Current Comment: MH-B3 (sheet 26 profile) shall be revised to provide a six-inch sump as referenced in the provided response letter.

8. *Section 144-306.Q – The following procedures and materials shall be required during the construction of all subsurface facilities:*
- (1) Excavation for the infiltration facility shall be performed with equipment that will not compact the bottom of the seepage bed/trench or like facility.*
 - (2) The bottom of the bed and/or trench shall be scarified prior to the placement of aggregate.*
 - (3) Only clean aggregate with documented porosity, free of fines, shall be allowed.*
 - (4) The tops, bottoms and sides of all seepage beds, trenches, or like facilities shall be covered with drainage fabric. Fabric shall be nonwoven fabric acceptable to the Municipal Engineer.*
 - (5) Stormwater shall be distributed throughout the entire seepage bed/trench or like facility and provisions for the collection of debris shall be provided in all facilities.*

September 1, 2023 Comment: The above referenced notes shall be added to the Multi-Purpose Field/Infiltration Bed Cross Sections details, Sheet 41.

Current Comment: This comment has been satisfactorily addressed.

9. *Section 144-307.A – The peak flow rate of the post-construction two-year, twenty-four-hour design storm shall be reduced to the predevelopment peak flow rate of the one-year, twenty-four-hour duration precipitation, using the SCS Type II distribution.*

Section 144-307.B – To the maximum extent practicable, and unless otherwise approved by the Municipal Engineer, the post-construction one-year, twenty-four-hour storm flow shall be detained for a minimum of 24 hours and a maximum not to exceed 72 hours from a point

in time when the maximum volume of water from the one-year, twenty-four-hour storm is stored in a proposed BMP (i.e., when the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the orifice is at the invert of the proposed BMP).

Section 144-308.A – Post-construction peak flow rates from any regulated activity shall not exceed the predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1

Section 144-307.B – The peak flow rate of the post-construction two-year, twenty-four-hour design storm shall be reduced to the predevelopment peak flow rate of the one-year, twenty-four-hour duration precipitation, using the SCS Type II distribution.

Section 144-308.A – Post-construction peak flow rates from any regulated activity shall not exceed the predevelopment peak flow rates as shown for each of the design storms specified in Table 308.1

September 1, 2023 Comment: The following shall be addressed:

- The Typical Infiltration Basin/Rain Garden Cross Section Detail indicates that the underdrain valve for BMP 4 is to remain open at all times. The Pond Report associated with BMP shall therefore include the underdrain as a basin outlet as part of the facility routing.
- A detail shall be provided clearly showing underdrain/gate valve configuration as proposed.

Current Comment: The following shall be addressed:

- **The Pond Reports for Basin 1 (114) and Basin 4 (163) shall be revised to have consistent weir structure crest lengths. Basin 1 currently notes 8.5 ft and Basin 4 shows 10.5 ft however both structures are 2x4 outlet boxes.**

10. *Section 144-309.D.(2).(c) – For areas that are impervious surfaces, predevelopment calculations shall assume at least 40% of the existing impervious surface area to be disturbed as meadow ground cover.*

September 1, 2023 Comment: The following shall be addressed:

- A tabulation shall be provided of existing ground cover to validate that 40% of all existing impervious area within the limits of disturbance is treated as meadow for volume and rate control calculations.
- The NRCS (SCS) TR-55 Watershed Weighted Curve Number Pre-Development Summaries shall be revised to remove Row Crops and Open Space and use Meadow for all on-site predevelopment conditions.

Current Comment: This comment has been satisfactorily addressed.

11. *Section 144-310.B – Any stormwater basin required or regulated by this chapter designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to safely convey flow up to and including the 100-year proposed conditions. The height of embankment shall provide a minimum one foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any BMP require a dam safety permit under PA Chapter [105](#) regulations, the facility shall be designed in accordance with and meet the regulations of PA Chapter [105](#) concerning dam safety. PA Chapter [105](#) may require the safe conveyance of storms larger than 100-year event.*

September 1, 2023 Comment: Appendix G of the Stormwater Management Report indicates that the emergency spillway associated with BMP has been designed to accommodate 0.5 feet of freeboard. The design of this spillway shall be revised in accordance with the above-referenced Ordinance section.

Current Comment: Appendix G of the Stormwater Management Report is inconsistent with the Plans and shall be revised accordingly:

- **The spillway calculations indicate that the emergency spillway associated with BMP 4 has a top of berm of 315.0 while the detail on Sheet 40 notes 314.5.**
- **The spillway calculations and detail for BMP 1 notes a spillway elevation of 291.25 while the plan grading shows a spillway elevation of 291.0 on Sheet 19.**

12. *Section 144-311.B.(3) – All inlets shall be precast concrete, PennDOT type and shall have bicycle-safe-type grate.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG has no objection to granting a waiver from using precast concrete inlets for the following inlets as shown on the plans in the vicinity of the fields: I-B6, I-B12A, I-B14, I-B13, I-B12, I-B11, I-B10, and I-B9.

Current Comment: Reference above comment.

13. *Section 144-311.B.(4) – Inlets shall have a minimum two-inch drop from all inlet pipe invert elevations to most shallow outlet pipe invert elevation.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of relief from providing a minimum two-inch drop in inlets in the pipe run from I-B14 to EW-2.

Current Comment: Reference above comment.

14. *Section 144-311.B.(8) – Storm sewers shall have a minimum inside diameter of 15 inches.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of relief from

minimum pipe diameter of 15 inches to allow 12-inch, 10-inch, and 8-inch diameter pipes from A-A11 to I-A8, I-B14 to OCS-2, I-B6 to MH-B3, and I-B12A to I-B12 as previously noted.

Current Comment: Reference above comment.

15. *Section 144-311.B.(9) – Storm sewers shall have a minimum cover of 24 inches, unless compliance with PennDOT and manufacturers' specifications can be demonstrated to the satisfaction of the Township Engineer.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of a waiver from providing 24 inches of cover over pipes for pipes located in lawn or field areas, provided that a minimum of 12 inches of cover is provided as previously noted.

Current Comment: Reference above comment.

16. *Section 144-311.B.(11) – Velocity within the storm sewer system shall be no less than three feet per second and no greater than 11 feet per second for the design storm peak flow.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of relief from providing a minimum pipe velocity of 3 feet per second for storm sewer, provided that this is applicable to pipes with a slope of 0.75% or less.

Current Comment: Reference above comment.

17. *Section 144-311.C.(2) – The top of the berm shall be a minimum of 10 feet. The sides shall have a maximum slope of three horizontal to one vertical.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance.

CEG does not support consideration of relief from providing a minimum 10-foot wide top of berm. A 10-foot wide top of berm is required to adequately accommodate the embankment clay core and outlet pipe anti-seep collars.

Current Comment: The Applicant has withdrawn the waiver request. This comment is no longer applicable.

18. *Section 144-311.C.(3) – The bottom of the basin shall have a minimum slope of 2% and any channel shall have a minimum slope of 0.5%.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers the following:

- CEG offers no objection to consideration of relief as it applies to BMP 1 to support infiltration in the BMP.
- CEG offers no objection to consideration of relief as it applies to BMP 4 provided that the facility is redesigned to demonstrate compliance with the applicable criteria set forth in Sections 144-305 and 144-306 of the Stormwater Management Ordinance.

Current Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of relief from this requirement, subject to resolution of applicable comments applicable to BMP design.

19. *Section 144-311.C.(5) – The barrel shall be concrete pipe with antiseep collars with a minimum projection of two feet beyond the pipe. Antiseep collar design calculations shall be provided.*

September 1, 2023 Comment: The Applicant has requested a waiver from the above referenced section of the Ordinance. CEG offers no objection to consideration of relief from using concrete pipes for basin outlet pipes provided that a detail and associated specifications for the anti-seep collars are provided on the Plan and are deemed appropriate for the pipe proposed.

Current Comment: Reference above comment.

20. *Section 144-402 – The SWM site plan shall consist of a general description of the project, including items described in § 144-304, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to the associated maps by title and date. All SWM site plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the SWM site plan shall not be accepted for review and shall be returned to the applicant.*

September 1, 2023 Comment: A note shall be added to the PCSM Plan and the Cover Sheet of the Report that reference one another by title and most recent revision date.

Current Comment: The Applicant has noted that the required notes has been added to the Plan and Report, however Sheets 19 and 20 do not contain the required note. The previously referenced note shall be added to Sheet 19 or 20 of the Plans as previously required.

21. *Section 144-402.B.(3) – A statement, signed by the applicant, acknowledging that any revision to the approved SWM site plan shall be submitted to and approved by the municipality, and that a revised erosion and sediment control plan shall be submitted to, and approved by, the conservation district or municipality (as applicable) for a determination of adequacy prior to construction of the revised features.*

September 1, 2023 Comment: The Drainage Plan Acknowledgement on Sheet 1 of 48 shall be revised to include all language within the above referenced section of the Ordinance.

Current Comment: The referenced certification shall be signed prior to Plan approval.

22. *Section 144-402.B.(5) – The following signature block for Westtown Township: "On behalf of Westtown Township, (Municipal official or designee), on this date [Signature date], has reviewed and hereby certifies to the best of my knowledge that the SWM Site Plan meets all design standards and criteria of Westtown Township Code, Chapter 144, Stormwater Management.*

September 1, 2023 Comment: The above referenced note shall be added to the Post Construction Stormwater Management (OCSM) Plan.

Current Comment: The referenced certification shall be signed prior to Plan approval.

23. *Section 144-402.C.(7) – Legal property boundaries, including:*
(a) The total project property boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
(b) Boundaries, size and description of purpose of all existing easements and deed-restricted areas of the project property, with distances marked to the nearest foot and bearings to the nearest degree.

Section 144-402.C.(18).(c) – Easements, as per the requirements of Article VII

September 1, 2023 Comment: The following shall be addressed:

- The tract boundary bearings and distances shall be labeled on the Plan.
- A statement of the total area of the property being developed shall be added to the Plan.
- Easement locations for proposed sanitary and stormwater conveyance and BMP facilities shall be shown on the PCSM Plan, in accordance with the applicable criteria set forth in Article VII of the Stormwater Management Ordinance.
- The stormwater easement referenced in Notes B Stormwater Management 5 on Sheet 2 of 48 shall be clearly shown on the Plans and include all bearings and distances needed to locate it.

Current Comment: The following shall be noted:

- **The Applicant has noted that they have requested a waiver from Section 144-402.C.(7). CEG offers no objection to consideration of this waiver request, however Section 144-402.C.(7) has not been included on the Waiver Request Letter and shall be formally requested in writing.**

24. *Section 144-402.C.(8).(f).[1] – The designated use as determined by PADEP (25 Pa. Code Chapter 93);*

September 1, 2023 Comment: The designated use of the receiving waters shall be clearly noted on the Plan.

Current Comment: The Applicant has responded that the designated use is noted on the PCSM Plans and in the General Notes on Sheet 2; clarification shall be provided specifying the note location on the Plan. The previous comment remains applicable.

25. *Section 144-402.C.(8).(j) – Areas classified by the municipality as steep slopes.*

September 1, 2023 Comment: All areas classified as steep slopes, as set forth in Section 170-402 of the Zoning Ordinance, shall be shown on the PCSM Plan.

Current Comment: Zoning Officer determination letter is pending.

26. *Section 144-402.C.(11) – Existing and proposed man-made features, including roads, paved areas, buildings, and other impervious and pervious surfaces on the project property (or an appropriate portion of the property as determined in consultation with the Municipal Engineer) and within the proposed disturbed area, and including the type and total area of the following:*

- (a) Existing impervious surfaces (must differentiate existing impervious surfaces installed after December 16, 2013);*
- (b) Existing impervious surfaces proposed to be replaced;*
- (c) Existing impervious surfaces to be permanently removed and replaced with pervious ground cover;*
- (d) New or additional impervious surfaces; and*
- (e) Percent of the site covered by impervious surfaces for both the existing and proposed post-construction conditions.*

September 1, 2023 Comment: A tabulation shall be added to the Plan in accordance with the referenced Ordinance Section. This tabulation shall supplement the Area and Bulk Requirements Table on Sheet 1 and include only areas within the limits of disturbance.

Current Comment: This comment has been satisfactorily addressed.

27. *Section 144-402.C.(18).(c).[2] – Notes or other documentation, as needed, to grant the municipality the right of access to all BMPs and conveyances for the purposes of inspection and enforcement of the requirements of this chapter, and any applicable O&M plans and O&M agreements.*

Section 144-402.C.(18).(c).[3] – Notes or other documentation, as needed, to grant the municipality the right of access to all roadways necessary to access all BMPs and conveyances, where roadways are not to be dedicated to the municipality.

September 1, 2023 Comment: The following shall be addressed:

- Notes B.8 shares a number with another Notes B.8 on Sheet 2 and all notes shall be renumbered accordingly.

- Note B.8 on Sheet 2 shall be expanded to include the following language: “The municipality is granted the right, but not the obligation, to enter the property for the purposes on inspections and maintenance activities regarding the BMPs shown on this Plan”.

Current Comment: The following shall be addressed:

- **Notes B.9 shares a number with another Notes B.9 on Sheet 2 and all notes shall be renumbered accordingly.**

28. *Section 144-402.G – Inspections, operation, and maintenance requirements. The following documents shall be prepared and submitted to the Township for review and approval as part of the SWM site plan, in accordance with the requirements of Article VII, for each BMP and conveyance included in the SWM site plan (including any to be located on any property other than the property being developed by the applicant):*

- (1) *An O&M plan.*
- (2) *An O&M agreement.*
- (3) *Any easement agreements that are needed to ensure access, inspection, maintenance, operation, repair and permanent protection of any permanent BMP(s) and conveyances associated with the regulated activity.*
- (4) *Any written deed, deed amendment or equivalent document (if needed) to be recorded against a subject property, as shown on the SWM site plan maps or plan sheets, or recorded plan sheets for the purpose of protecting and prohibiting disturbance to a BMP or conveyance; and*
- (5) *Written approval, easement agreements, or other documentation for discharges to adjacent or down-gradient properties when required to comply with § 144-301G and Article VII of this chapter.*

Section 144-701.D – General Requirements for protection, operation, and maintenance of stormwater BMPs and conveyances – For any BMP or man-made conveyance (including any to be located on any property other than the property being developed by the applicant) to be owned by a person other than the Township:

- (1) *An O&M agreement shall be submitted to the Township for review and approval; and*
- (2) *The O&M plan shall be attached to, incorporated within, and recorded as a public record along with a fully executed O&M agreement, all of which shall be recorded as a restrictive covenant that runs with the land and shall be binding upon the landowner and any heirs, administrators, successors in interest or assigns of the landowner.*

September 1, 2023 Comment: A Stormwater Management Operation & Maintenance Agreement shall be executed and recorded for the proposed stormwater BMP’s to be incorporated. The O&M Agreement will be provided by Westtown Township at the time that stamped and approved Plans are issued for the project. The applicable signatures must be signed by the property owner prior to Plan recording.

Current Comment: This comment is for informational purposes only.

Chapter 149 – Subdivision and Land Development Ordinance

29. *Section 149-403.C.C – The applicant shall sign a tri-party agreement with a financial institution and the Township guaranteeing and securing completion of the improvements listed in Subsection A, except as provided for in Subsection E, within one year of the date of the approved plan.*

(2) The applicant shall deposit with the Township an escrow account in an amount equal to 110% of the cost of the improvements, based on a construction cost estimate prepared by a bona fide contractor and reviewed and approved by the Township Engineer, whose decision shall be final.

(3) If the improvements are not completed within the one-year period, the Township shall have the right to withdraw the escrow funds to complete the improvements, or shall require the financial security be increased by an additional 10% for each succeeding year beyond the first posting date of the security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished.

September 1, 2023 Comment: Financial security in an amount acceptable to the Township shall be provided prior to Plan recording. A Construction Cost Estimate shall be submitted for review and approval, with the required financial security incorporated into a Developer's Agreement to be executed prior to Plan recording.

Current Comment: The Applicant has noted an Opinion of Probable Costs will be submitted for review and approval. The previous comment remains applicable.

30. *Section 149-602.B.(7) – The total tract boundary lines of the property being developed, with accurate distances to hundredths of a foot and bearings to the nearest second. These boundaries shall be balanced and closed with an error closure not less than one foot in 10,000 feet; provided, however, that the boundary(ies) of adjoining additional unplatted land of the subdivider (i.e., between separately submitted plan sections) are not required to be based upon field survey, and may be calculated. Existing and proposed monuments shall be indicated, along with a statement of the total area of the property being developed. In addition, the engineer or surveyor shall certify to the accuracy of the survey and that the drawn plan is in conformance with all Township chapters.*

Section 149-702.B.(7) – The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to the nearest second. These boundaries shall be balanced and closed with an error closure not less than one foot in 10,000 feet; provided, however, that the boundary(ies) adjoining additional unplatted land of the subdivider for example, between separately submitted final plan sections are not required to be based upon field survey, and may be calculated. Existing and proposed monuments shall be indicated, along with a statement of the total area of the property being developed. In addition, the engineer or surveyor shall certify to the accuracy of the survey and that the drawn plan is in conformance with Township chapters.

September 1, 2023 Comment: The following shall be addressed:

- The tract boundary bearings and distances shall be labeled on the Plan.
- Existing monumentation along Westtown Road, adjacent to BMP1, shall be shown.
- A statement of the total area of the property being developed shall be added to the Plan.

Current Comment: The Applicant has noted that a waiver has been requested from this section of the Ordinance. CEG offers no objection to consideration of this request, however this waiver shall be formally requested in writing.

31. *Section 149-602.B.(9) – Precautionary and prohibitive slope areas and floodplain shall be noted as defined by Chapter 170, Zoning.*

Section 149-702.B.(9) – Precautionary and prohibitive slope areas and floodplain shall be noted as defined by Chapter 170, Zoning.

September 1, 2023 Comment: Precautionary and prohibitive slope, in accordance with the criteria set forth in Section 170-402 of the Zoning Ordinance, shall be shown on the Plan.

Current Comment: This comment has been satisfactorily addressed.

32. *Section 149-602.B.(10) – Location and ownership of all existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, trees, wetlands (or certification that none are present), soils, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision.*

Section 149-702.B.(10) – Location and ownership of all existing sewer lines, water lines, fire hydrants, railroads, watercourses, trees, wetlands (or certification that none are present), soils, easements, rights-of-way and other significant man-made, historical or natural features within the proposed subdivision and within 50 feet from the boundaries of the proposed subdivision.

September 1, 2023 Comment: The location (and ownership if not part of the public system) of all utilities shall be shown as required by the above referenced section of the Ordinance.

Current Comment: This comment has been satisfactorily addressed.

33. *Section 149-602.C.(3).(a) – Utility easement locations.*

Section 149-602.C.(3).(e) – All easements or rights-of-way, public or private, and any limitations on such easement or rights-of-way shall be shown and accurately identified on the plan.

Section 149-702.B.(21).(a) – Utility easement locations

Section 149-702.B.(21).(e) - All easements or rights-of-way, public or private, and any limitations on such easements or rights-of-way shall be shown and accurately identified on the plan.

September 1, 2023 Comment: Easements associated with stormwater management BMPs and conveyance facilities shall be shown on the PCSM Plan. If a blanket easement is to be offered, this shall be clearly noted on the PCSM Plan.

Current Comment: This comment has been satisfactorily addressed.

34. *Section 149-602.C.(4).(b) - A statement noting water and sewer needs and verification of the availability of both.*

September 1, 2023 Comment: A notice of capacity has been provided for sanitary service. This letter shall be subject to the review of the Township's Sewer Engineer.

Current Comment: CEG defers comments regarding availability and verification of capacity for sanitary service to the Township's Sewer Engineer.

35. *Section 149-602.C.(4).(g) - Where applicable, the location and width of all buffer areas.*

September 1, 2023 Comment: Riparian buffer areas shall be clearly shown on the Site and PCSM Plans.

Current Comment: This comment has been satisfactorily addressed.

36. *Section 149-602.C.(4).(k) - Where applicable, a statement listing waivers requested and/or approved shall be included.*

Section 149-702.C.(5) - Where applicable, a statement listing waivers requested and/or approved shall be included.

Section 149-702.C.(5) - Where applicable, a statement listing waivers requested and/or approved shall be included.

September 1, 2023 Comment: The Requested Waivers/Modifications list shown on Sheet 1 of 48 (13 requests) shall be revised to include all waivers outlined in the received Waiver Request Letter (14 requests).

Current Comment: This comment has been satisfactorily addressed.

37. *Section 149-700.A - Within 60 days after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township. However, an extension of time may be granted at the option of the Board of Supervisors upon written request of the applicant.*

September 1, 2023 Comment: The Applicant has requested a waiver from this section of the Ordinance to allow for submission of a combined Preliminary/Final Plan. CEG offers no objection to consideration of this request.

Current Comment: This comment is for informational purposes only.

38. *Section 149-702.B.(15) - Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts with the material of each indicated, and any proposed connections with existing facilities. (These may be on a separate plan.) (NOTE: All construction of sanitary sewer systems must be in accordance with the standards and specifications as adopted by Westtown Township and the plan shall be so noted.)*

September 1, 2023 Comment: A note shall be added to the Utility Plan (Sheet 21 and 22 of 48) referencing that all sanitary sewer improvements shall be in accordance with all standards and specifications of Westtown Township.

Current Comment: This comment has been satisfactorily addressed.

39. *Section 149-801.E - Location and type of all erosion and sedimentation control measures, including, but not limited to, tire cleaners, retention basins, silt fences and hay bales; proposed dates when such measures shall be in effect, and supporting data assuring compliance with the erosion and sedimentation control standards set forth in Chapter [80](#), Erosion, Sediment Control and Grading. A note shall be added to the plans indicating that the applicant is responsible for installation and maintenance of all soil and erosion control measures until closeout of the escrow account.*

Section 149-801.G - Chapter [80](#), Erosion, Sediment Control and Grading, is hereby made a part of this chapter and all of its requirements are applicable to any subdivision or land development as defined in this chapter. The applicant shall take whatever measures are necessary to ensure that no silt or mud leaves the property being developed up to dedication and/or closeout of the escrow account.

September 1, 2023 Comment: See Comment #1.

Current Comment: See Comment #1.

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

September 1, 2023 Comment: The Operation and Maintenance Sheet (Sheet 5 of 48) shall be revised to remove all note references of “As specified in the O&M Plan” and like notation to a legitimate reference (example: Maintenance Requirements note iv to reference Infiltration Basin tables).

Current Comment: This comment has been satisfactorily addressed.

41. *Section 149-803.B.(1).(g).[5] - If stormwater facilities will not be municipally owned, the developer shall establish a legal right of the Township to access the facilities for periodic inspections and maintenance at the Township's discretion. However, the Township is under no obligation to perform such inspections and maintenance. The Township may require that the entity responsible for maintenance of stormwater facilities reimburse the Township for costs of maintenance and repair of stormwater facilities if that entity fails to perform its duties.*

September 1, 2023 Comment: The stormwater easement referenced in Notes B Stormwater Management 5 on Sheet 2 of 48 shall be clearly shown on the Plans and include applicable bearings and distances.

Current Comment: This comment has been satisfactorily addressed.

42. *Section 149-803.B.(3).(c) - All inlets shall be precast concrete, PennDOT type and shall have bicycle-safe type grate.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.B.(3) to allow HDPE drain basins. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(3).(c) as well.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG offers no objection to consideration to allow HDPE drain basins in lieu of precast concrete inlets for the following inlets as shown on the Plans in the vicinity of the fields: I-B4, I-B6, I-B9, I-B10, I-B11, I-B12, I-B12A, I-B13, and I-B14.

43. *Section 149-803.B.(3).(d) - Inlets shall have a two-inch drop from inlet to outlet.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.B.(4) to allow omitting the two-inch drop from inlet to outlet. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(3).(d) as well.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG offers no objection to consideration of relief from providing a minimum two-inch drop in inlets in the pipe run from I-B14 to EW-2.

44. *Section 149-803.B.(3).(g) - Storm sewers shall have a minimum grade of 0.5% and a minimum inside diameter of 15 inches.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.B.(8) to allow for a minimum diameter of less than 15 inches. If the Applicant intends to

request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(3).(g) as well.

Current Comment: The Applicant has requested a waiver this section of the Ordinance. CEG offers no objection to consideration of relief from minimum pipe diameter of 15 inches to allow 12 inches, 10” inch, and 8-inch diameter pipes from A-A11 to I-A8, I-B14 to OCS-2, I-B6 to MH-B3, and I-B12A to I-B12.

45. *Section 149-803.B.(3).(h) – Storm sewers shall have a minimum cover of 24 inches.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.B.(9) to allow for a minimum cover of 12 inches instead of 24 inches. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(3).(h) as well.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG offers no objection to consideration of relief from providing 24 inches of cover over pipes for pipes located in lawn or field areas, provided that a minimum of 12 inches of cover is provided.

46. *Section 149-803.B.(4).(a) – Berm constructed of earth of a clay base with no topsoil and a cutoff trench key continuous along the berm base.*

September 1, 2023 Comment: Typical Infiltration Basin/Rain Garden Cross Section Note 1 shall be amended to include specifying “Berm constructed of earth of a clay base with no topsoil and a cutoff trench key continuous along the berm base” as required by the above referenced Ordinance section.

Current Comment: This comment has been satisfactorily addressed.

47. *Section 149-803.B.(4).(b) – The top of the berm shall be a minimum of 10 feet. The sides shall have a maximum slope of three horizontal to one vertical (3:1).*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.C.(2) to allow for a minimum berm width less than 10 feet. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(4).(b) as well.

Current Comment: The Applicant has withdrawn the waiver request from Section 144-311.C.(2). This comment is no longer applicable.

48. *Section 149-803.B.(4).(c) – The bottom of the basin shall have a minimum slope of 2% and any channel shall have a minimum slope of 0.5%.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.C.(3) to allow for a basin bottom slope of 0%. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(4).(c) as well.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG offers no objection to consideration of this request.

49. *Section 149-803.B.(4).(e) - The barrel shall be concrete pipe with anti-seep collars with a minimum projection of two feet beyond the pipe.*

September 1, 2023 Comment: The Applicant has requested a waiver from Section 144-311.C.(5) to allow for a basin bottom slope of 0%. If the Applicant intends to request a waiver from the referenced Stormwater Management Ordinance section, a waiver shall be requested from 149-803.B.(4).(e) as well.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG has no objection to consideration of relief from using concrete pipes for basin outlet pipes provided that the anti-seep collars are designed in accordance with all applicable PADEP requirements.

50. *Section 149-803.B.(4).(f) - Emergency spillway shall be constructed of concrete/grass pavers. Pavers shall extend down the basin slopes at the spillway location.*

September 1, 2023 Comment: The BMP emergency spillways shall be revised to be constructed of concrete/grass pavers as required by the above referenced section of the Ordinance.

Current Comment: This comment has been satisfactorily addressed.

51. *Section 149-803.B.(6).(a) - A sump shall be provided between the impervious area and the inground facility to collect and trap sediment and debris before reaching the inground facility.*

September 1, 2023 Comment: Sumps shall be provided at structures immediately upslope of proposed BMPs, as previously referenced.

Current Comment: This comment has been satisfactorily addressed.

52. *Section 149-804.A - Traffic impact study. A traffic impact study shall be required for any subdivision or land development that is expected to generate more than 250 total average weekday trip-ends after build-out. The traffic impact study shall include, but not be limited to, the following: (1) - (11)*

September 1, 2023 Comment: The following shall be addressed:

- The submitted Traffic Impact Study (Transportation Operational Analysis) is subject to the review and approval of the Township Traffic Engineer.
- The submitted Traffic Impact Study Narrative shall be revised in accordance with Conditional Use Approval Condition 12. The first paragraph of “Project Background” shall be amended to remove the reference of the fields being used on a rental basis.

Current Comment: The above comment remains applicable.

53. *Section 149-804.B - Water study. The water study shall include but not be limited to the following, and, where applicable, plans shall be drawn to the same scale and be of the same size as that of the corresponding preliminary plan: (1) - (6)*

Section 149-917.C - Procedures. All applicants for subdivision or land development shall state in the preliminary plan whether water supply will be community, public or private on-site. A water study (Article VIII) shall be submitted upon request of the Planning Commission and/or Board.

Section 149-918.A - Plan requirements. All proposed water distribution systems shall be designed, connected and installed to meet the specifications and requirements of the DEP, Pennsylvania Utility Commission (PUC), CCHD and all Township ordinances. The complete design of the proposed distribution system and the following information shall be provided as a part of all preliminary and final plans: (1) - (4)

September 1, 2023 Comment: The following shall be addressed:

- A water study shall be submitted to the Township for review and approval.
- Conformance to applicable Westtown Township requirements is subject to the review and approval of the Township Authority.
- Documentation shall be provided demonstrating acceptance of the system modifications and distribution from DEP, PUC, and CCHD as applicable.

Current Comment: The following shall be addressed:

- **Conformance to applicable Westtown Township requirements is subject to the review and approval of the Township Sewer Engineer.**
- **The Applicant has noted that Documentation shall be provided demonstrating acceptance of the system modifications and distribution from DEP, PUC, and CCHD, as applicable, upon receipt.**

54. *Section 149-908.A - A minimum clear sight triangle of 75 feet (as measured from the center-line 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.*

September 1, 2023 Comment: Minimum clear sight triangles of 75 feet shall be provided on the Landscape Plan (Sheet 23 of 48) for the proposed parking entrance and exit.

Current Comment: This comment has been satisfactorily addressed.

55. *Section 149-910.D.(2) - Type I Base Course. Base course shall be constructed of stone aggregate, rolled with vibratory roller, and thoroughly compacted in two layers to a depth of not less than eight inches for residential and 10 inches for industrial. The materials and construction methods shall be in strict accordance with the requirements of Section 310, "Crushed Aggregate Base Course," PennDOT Seldom Used Specifications.*

Section 149-910.D.(3) - Type II Base Course. Base course shall consist of five inches for residential and six inches for industrial, after compaction, of hot mixed, hot laid bituminous concrete base course placed on a six-inch compacted layer of PennDOT No. 2A course aggregate, Type C or better (no slag material). The materials and construction methods shall be in strict accordance with the requirements of Section 305, Bituminous Concrete Base Course, and Section 305, Subcourse, of PennDOT Publication 408 Specifications. The subbase and base course shall be rolled with a vibratory roller.

Section 149-910.D.(4) - Bituminous Surface Course ID-2A. Bituminous surface course ID-2A shall consist of constructing a binder course and wearing course of hot mixed, hot laid asphalt concrete on the above prepared base course. The binder course shall be rolled with vibratory roller and compacted to a depth of not less than two inches and the wearing course not less than 1 1/2 inches. The materials and construction methods shall be in strict accordance with the requirements of Section 420, Bituminous Wearing Course ID-2, and Section 421, Bituminous Binder Course ID-2, of PennDOT Publication 408, as amended. The Township may require that the final application of bituminous concrete be withheld until the streets are offered for dedication to the Township if the wearing course is not applied immediately after the binder course. (NOTE: The binder course shall be thoroughly cleaned and tack coated in accordance with PennDOT Publication 408, as amended.)

September 1, 2023 Comment: The following shall be addressed:

- A roadway restoration detail shall be provided for repairing the area where the parking area accessway connections are proposed.

Current Comment: The following shall be addressed:

- **The restoration detail or bituminous paving section/schedule detail shall be revised in accordance with the above referenced Ordinance section.**

56. *Section 149-911.A - All materials entering into the construction of curbs and the method of construction and installation shall be in accordance with PennDOT Specifications Publication 408, as amended.*

Section 149-911.B – Vertical curbs meeting the dimensional requirements for plain cement concrete curb contained in the PennDOT Standards for Roadway Construction (RC-64) shall be required on all streets.

September 1, 2023 Comment: The Applicant has included a Cobble Curb Detail on Sheet 29 of 48 however all other details that are ancillary to proposed curbs (pavement sections, underground beds) show standard concrete curbing. The following shall be addressed to provide clarity:

- The Layout Plans (Sheet 11 and 12 of 48) shall be revised to specify the locations of proposed curbing and curb type.
- If standard concrete curbing is proposed, a detail shall be provided on the Plan; otherwise, all details that show concrete curbing shall be revised to show cobble curbing.
- Both Multi-Purpose Field/Infiltration Bed details reference 12” curbing. Details consistent with the curb proposed shall be added to the Plan or the Cobble Curb detail amended accordingly.

Current Comment: This comment has been satisfactorily addressed.

57. *Section 149-915.K.(1) – The grade of the driveway within 20 feet of the pavement edge or the curbline of the public road, Township or state, shall not exceed 4%. The maximum grade permitted beyond this point is 15%. Vertical curves shall be used at a change of grades exceeding 5%.*

September 1, 2023 Comment: Profile views of the entrance and exit to the parking area shall be provided on the Plan that demonstrate compliance with the referenced Ordinance section.

Current Comment: This comment has been satisfactorily addressed.

58. *Section 149-916.A – All materials entering into the construction of sidewalks and the method of construction and installation shall be in accordance with PennDOT Specifications Publication 408, except that the compacted thickness of the aggregate bed shall be four inches. Sidewalks across driveways and driveway aprons shall be constructed with six inches of concrete reinforced with six-by-six w1.4 by w1.4 welded wire fabric placed two inches from the finished surface. Sidewalks shall have a minimum width of four feet and be located four feet behind the curbline unless approved otherwise.*

September 1, 2023 Comment: The Concrete Sidewalk detail shall be amended to include a view adjacent to asphalt paving.

Current Comment: This comment has been satisfactorily addressed.

59. *Section 149-916.C - Details and specifications for the construction of bike paths and other paths shall be submitted with preliminary plans for review and approval by the Township Planning Commission and Township Engineer.*

September 1, 2023 Comment: The following shall be addressed:

- Enlarged views showing spot elevations, dimensions, and slopes shall be provided for all ADA ramps to confirm compliance with ADA regulations.
- All ramps shall be labeled for clarity between the Plan views and the enlarged views.

Current Comment: The following shall be addressed:

- **The DWS for Curb Ramp #1 shall be revised to the full length of the ramp face adjacent to the pavement.**
- **Curb Ramp #2 shall be revised to provide a maximum slope of 2% along the triangular landing area created between the DWS and the pavement crossing.**
- **Curb Ramp #3 shall be redesigned to include all applicable ramp features, flares, landing areas, and longitudinal transitions.**
- **Curb Ramp #8 shall extend the DWS to run the full width of the landing as nothing prevents travel at the curb edge.**

60. *Section 149-924.C - Applicants shall exercise care to protect trees which remain from damage during construction. The following procedures shall be required for the protection of the remaining trees and shall be noted on the plan. All remedial work shall be performed by qualified personnel.*

September 1, 2023 Comment: Grading in the vicinity of CFS#18-3 shall be relocated outside of the tree protection zone(s).

Current Comment: This comment has been satisfactorily addressed.

61. *Section 149-924.D.(12).(d) - Compensatory trees shall be 3 1/2 inches in caliper and planted in accordance with the standards contained within § [149-925](#). Evergreen trees may be substituted at a ratio of two evergreens to one deciduous tree. Alternative types of compensatory planting may be permitted, when approved by the Board of Supervisors.*

Section 149-924.D - A tree protection management plan must be submitted at the time of preliminary plan application if there are 10 or more viable trees proposed to be cut or removed from a property. Tree protection management plan shall contain the following information on a plot plan: (1) - (12)

Section 149-924.D(12)(e) - Locations of compensatory trees must clearly be labeled on the landscape plan, they may be places anywhere on the site. Compensatory trees are in addition to other required trees.

September 1, 2023 Comment: The following shall be addressed:

- Specimen and non-specimen trees to be removed shall be clearly labeled on the Existing Features and Tree Protection Management Plans (Sheets 8, 9, 23, and 24 of 48).
- Compensatory trees shall be exclusive of trees required by other sections of the Ordinance. The Tree Protection Management and Landscape Plans shall clearly designate proposed trees to be used to meet compensatory requirements (Section 149-924) and those used to meet the requirements set forth in Section 149-925 of the Ordinance.
- A table shall be provided on the Tree Protection Management Plan outlining the species and size of proposed trees to be used to meet compensatory tree requirements set forth in Section 149-924.
- Tree protection shall be provided for the existing tree located adjacent to the existing/proposed trail.
- Tree protection shall be provided for the tree mass downgradient of BMP 1.
- Tree protection shall be provided for the trees upgradient of BMP 4 by TP-8.

The Applicant has requested a waiver from this section of the Ordinance to allow crediting other Westtown School projects' plantings to reduce the number of compensatory trees provided. CEG does not recommend consideration of this relief. Compliance with this Ordinance requirement shall be specific to the current application and shall be exclusive of other projects.

Current Comment: The following shall be addressed:

- **The Applicant shall demonstrate consistency between the proposed plan landscaping and landscaping outlined in the tabulation and verify all labels and planting quantities shown on Sheets 24 and 25 compared to the tabulations provided on Sheet 24A. This includes the following:**
 - **Compensatory Plantings:**
 - **ASB (3 on Plans, 5 on Tabulation)**
 - **CL (4 on Plans, 5 on Tabulation)**
 - **BMP 1 Plantings:**
 - **IG (12 on Plans, 14 on Tabulation)**
 - **BMP 4 Plantings:**
 - **AM (0 on Plans, 7 on Tabulation)**
 - **CA (19 on Plans, 28 on Tabulation)**
 - **CS (5 on Plans, 12 on Tabulation)**
 - **IV (28 on Plans, 36 on Tabulation)**
 - **SD (0 on Plans, 5 on Tabulation)**
 - **SN (0 on Plans, 7 on Tabulation)**
 - **VD (17 on Plans, 25 on Tabulation)**
 - **34 unlabeled shrubs are shown on Plans.**
 - **Perimeter Landscaping**
 - **ABC (5 on Plans, 11 on Tabulation)**
 - **ARO (6 on Plans, 14 on Tabulation)**



- **ASB (2 on Plans, 4 on Tabulation)**
- **AGB (6 on Plans, 13 on Tabulation)**
- **CL (2 on Plans, 4 on Tabulation)**
- **CF (4 on Plans, 8 on Tabulation)**
- **PS (7 on Plans, 14 on Tabulation)**
- **QA (5 on Plans, 10 on Tabulation)**
- **50 shrubs labeled RG are not included as part of the Tabulation.**
- **2 trees labeled AG are not included as part of the Tabulation.**
- **The Tabulation of Required Landscaping is short 2 shrubs for Basin 1 and 17 shrubs for Basin 4 (92 provided shrubs and 233 provided shrubs respectively based on the planting tables).**

Proposed plantings shall be revised accordingly.

62. *Section 149-925.H.(1) - Deciduous trees: 3 1/2-inch caliper.*

September 1, 2023 Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG does not recommend consideration of relief from this requirement. All compensatory trees shall have a minimum diameter of 3.5 inches.

Current Comment: The Applicant has rescinded this waiver request. This comment is no longer applicable.

63. *Section 149-925.H.(3) - Shrubs, hedges, yews: two feet in height.*

September 1, 2023 Comment: The Applicant has requested a waiver from this section of the Ordinance. CEG does not recommend consideration of relief from this requirement. All shrubs, hedges, and yews required by the ordinance shall be two feet in height.

Current Comment: The Applicant has rescinded this waiver request. This comment is no longer applicable.

64. *Section 149-925.G.(1) - Lot or perimeter yard requirements. Each yard shall be landscaped as follows:*

<i>Landscaping Per 100 Linear Feet</i>			
	<i>Canopy Trees</i>	<i>Ornamental Flowering Trees</i>	<i>Shrubs</i>
<i>Nonresidential</i>			
<i>Street Frontage</i>	2	1.5	6
<i>Other Property Lines</i>	1	1	3

Section 149-925.G.(2) - Parking area requirements.

Section 149-925.G.(3) - Stormwater retention/detention basins

- (a) - Deciduous or evergreen trees at the rate of one tree per 2,000 square feet of basin area; and
- (b) - Shrubs, hedges or yews at the rate of one plant per 200 square feet of basin area.

September 1, 2023 Comment: The following shall be addressed:

- A tabulation shall be provided noting the number of required and proposed trees for the site. Plantings on the Landscape Plan (Sheet 23 and 24 of 48) shall clearly indicate what requirement proposed trees are to address.
- Three proposed trees within BMP 4 do not have a designation and shall be labeled.
- All proposed BMP plantings shall be removed from the internal basin berm slopes and berm tops. This includes but is not limited to the following:
 - BMP 1
 - 1 of 3 BNH tree planting.
 - 9 CR shrub plantings.
 - 3 PO shrub plantings.
 - 5 MP shrub plantings.
 - 5 SD shrub plantings
 - BMP 4
 - The majority of plantings along the eastern berm.
- Due to the limited cover currently provided for all storm pipes, all planting materials shall maintain a minimum horizontal separation of 10 feet for trees and 5 feet for shrubs.

Current Comment: The Applicant has requested a waiver from this section of the Ordinance to allow for providing perimeter plantings only along Shady Grove Way, consistent with the negotiated screenings for the Oak Lane project. As this project is separate from the Oak Lane project, CEG does not recommend consideration of this waiver. The following shall be addressed:

- **The perimeter lengths noted in the Tabulation of Required Landscaping shall be revised to the perimeter lengths associated with this project (along Oak Lane and Shady Grove Way) and clearly labeled.**
- **The Perimeter Landscaping and Tabulation of Required Landscaping tables shall be revised to be consistent with one another and the plantings shown on Sheet 24.**
- **The plantings along Shady Grove Way shall be consistent with those shown on the Oak Lane Solar Farm project. This includes placement and quantities of plantings for the whole length of both project boundaries.**

65. *Section 149-927.D - The applicant shall comply with all requirements of Westtown Township, the Chester County Health Department and the Pennsylvania DEP and shall so certify prior to final plan approval.*

September 1, 2023 Comment: The following shall be addressed:

- The provided Capacity Verification Letter is subject to review by the Westtown Township Sewer Engineer.



- Conformance with Westtown Township requirements and regulations is subject to the review and approval of the Township Sewer Engineer.

Current Comment: The following shall be addressed:

- **The provided Capacity Verification Letter is subject to review by the Westtown Township Sewer Engineer.**
- **Conformance with Westtown Township requirements and regulations is subject to the review and approval of the Township Sewer Engineer.**

Chapter 170 – Zoning

66. *Section 170-402.(1)(a) An earthmoving plan of the property which indicates existing grades with contour lines at two-foot intervals. Proposed grades within the area of any proposed activity, disturbance, or construction also shall be shown. All areas within the Steep Slope Conservation District shall be shaded accordingly.*

September 1, 2023 Comment: The Steep Slope Conservation District shall be clearly shown on the Grading and PCSM Plans, in accordance with the criteria set forth in Section 170-402. Uses proposed within the Steep Slope Conservation District shall be subject to the review of the Westtown Township Zoning Officer.

Current Comment: The Applicant has noted they are awaiting a determination by the Township Zoning Officer regarding the applicable requirements of the Steep Slope District. CEG defers to the Township Zoning Officer regarding this requirement.

67. *Section 170-402.D(2) Uses permitted in areas of prohibitive slope. The following are the only uses permitted as of right in areas of prohibitive slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.*

Parks and outdoor recreational uses, consistent with the goals of watershed protection.

September 1, 2023 Comment: The location of the New Support Building shall be subject to the review and approval of the Westtown Township Zoning Officer.

Current Comment: The Applicant has noted they are awaiting a determination by the Township Zoning Officer regarding the applicable requirements of the Steep Slope District. CEG defers to the Township Zoning Officer regarding this requirement.

68. *(NEW COMMENT) Section 170-407.A. No new principal or accessory building or use, parking or commercial or industrial storage area shall be located within a minimum of 75 feet from the top bank of a perennial creek.*

Section 170-407.B. Where the majority of existing trees and shrubs are removed from areas between a perennial creek and a distance of 75 feet from the top bank of such creek, new





trees and shrubs shall be planted and maintained that will have the same or better impact upon controlling erosion and filtering pollutants from runoff.

September 1, 2023 Comment: Upon the provision of the referenced area on the Plan, the Township Zoning Officer shall confirm compliance with the above referenced Ordinance section.

Current Comment: The previous comment remains applicable.

- 69. *Section 170-1702.A. The following schedule of parking space and layout standards shall apply to all but commercial/retail parking facilities, in accordance with this article:*

September 1, 2023 Comment: Parking spaces in the proposed parking area in front of the lighted fields are only 9.0 feet wide. Compliance with the above referenced requirement shall be subject to review and approval by the Westtown Township Zoning Officer.

Current Comment: Final confirmation regarding compliance with the above referenced section of the Ordinance is subject to the review and approval of the Township Zoning Officer.

- 70. *Section 170-1702.B. Wheel stops: The Board may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by two feet; such overhang area must be clear of all obstructions (signs, trees, etc.) and may not be regarded as required landscaped area or pedestrian circulation*

Angle of Parking Row to Driveway Aisle

	30°	45°	60°	90°
Depth of parking row	17'	20'	21'	18'
Width of parking space	9.5'	9.5'	9.5'	9.5'
Width of aisle	11'	13'	18'	24'
	(1 way)	(1 way)	(1 way)	(1 or 2 way)

space.

September 1, 2023 Comment: The Applicant shall place wheel stops along curb or demonstrate to the Board that there is sufficient sidewalk width to allow for the required two feet of overhang from parked vehicles.

Current Comment: This comment has been satisfactorily addressed.





Additional comments may be forthcoming based upon the information to be resubmitted.
Please do not hesitate to contact me with any questions.

Best Regards,
Cedarville Engineering Group, LLC

A handwritten signature in black ink, appearing to read "R. E. Flinchbaugh".

Robert E. Flinchbaugh, P.E.
Municipal Team Lead

cc: Mila Carter - lcarter@westtown.org
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October 13, 2023

Ms. Mila Carter
Director of Planning and Zoning/Assistant Township Manager
Westtown Township
1039 Wilmington Pike
West Chester, PA 19382

Re: Westtown School - 975 Westtown Road
Outdoor Lighting Review

Dear Mila:

We have reviewed the following document

1. Letter from Daktronics, the scoreboard manufacturer, in response to our 9/20/2023 letter regarding the luminance from the proposed scoreboard

for compliance with

1. Westtown Township Zoning Ordinance (Chapter 170 of the Westtown Township Code), Article 170-1514 Outdoor Lighting.

We offer the following comments for consideration.

1. Section 170-1514.D.(5).(e)[9] – The maximum luminance from any light source, including scoreboards, shall not exceed 2,000 cd/m² as viewed from any location off site. The scoreboards submitted do not indicate the luminance at the face of the scoreboard. The product data does indicate that the digits may be dimmed for night viewing. The Applicant should request from the manufacturer the luminance of the scoreboard along with range of dimming, how dimming is performed (manual or automatic via daylight sensor), and at what distance from the face of the scoreboard compliance with the ordinance is achieved.
 - a. **Response letter from Daktronics indicates that the maximum luminance from the scoreboard will be in compliance with the ordinance limit of 2,000 cd/m², and that the scoreboards may be manually dimmed by the user at the console. The response letter indicates compliance. However, the recommendation is to hold this item open to evaluate the luminance after installation.**

If you have any questions, or need additional information, please feel free to contact me.

Best regards,

Stephen Gribb, P.E.

Stephen Gribb, P.E.
President



ALBERT FEDERICO CONSULTING, LLC

Traffic Engineering and Mobility Solutions

133 Rutgers Avenue
Swarthmore, PA 19081

October 13, 2023

via email only
c/o Liudmila Carter, Assistant Township Manager

Russell Hatton, Chair
Westtown Township Planning Commission
1039 Wilmington Pike
West Chester, PA 19382

Re: Westtown School Oak Lane Project - Traffic Review
Westtown Township, Chester County

Mr. Hatton:

As requested, the following materials have been reviewed for compliance with applicable sections of the Westtown Township Code, as well as reasonable and customary standards for Traffic Engineering practice:

- o Preliminary/Final Land Development Plan for Westtown School - Oak Lane Project (sheets 1, 8-14, 23, 28-29 only), prepared by ELA Group, Inc., dated January 27, 2023, revised September 19, 2023
- o Response Letter – Township Traffic Engineer Review Letter, prepared by Traffic Planning and Design, dated September 19, 2023
- o Waivers Modifications/Requested, prepared by ELA Group, Inc., dated September 27, 2023

The applicant is proposing to modify the existing athletic fields, including installing turf fields and adding lights. Primary vehicular access is proposed to Westtown Road via Oak Lane. A new parking area is proposed along the south side of Oak Lane, and the project includes new internal pedestrian facilities.

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

Conditional Use Approval

1. Truck Turning Templates Demonstrating Emergency Access (#4) – *Satisfied*. The submitted Land Development plan includes turning exhibits.
2. Oak Lane and Westtown Road Sight Distance (#6) – *Outstanding*. The submitted plans do not illustrate acceptable sight distances. As discussed with the Applicant's Traffic Engineer additional coordination is required to develop a long-term plan to improve the sight distance along the inside of the curve opposite of the site access.
3. Oak Lane Flashing Signal (#7) – *In progress*. The School has requested that the permit be voided. The development plans should be revised to clearly indicate the removal of the flashing warning device.



ALBERT FEDERICO CONSULTING, LLC

Land Development Plans

4. As previously noted, Westtown Road is classified as a Collector; the Board may require dedication of additional right-of-way along the site frontage. {§149-903C.1} The Applicant has indicated that a partial Waiver will be requested to defer dedication until there is plan for the improvement of Westtown Road at Oak Lane. There is no objection to the request; however, additional consideration should be given to how the right-of-way would support a long-term improvement. It may be appropriate for the offer to be fully on the east side of Westtown Road, away from the existing house.
5. As previously noted, revise the right-of-way lines to show Oak Lane as a private road.
6. As previously noted, a minimum 35-foot radius curb return should be provided for Oak Lane at Westtown Road. {§149-907F} The Applicant has indicated that a Waiver will be requested. Additional information demonstrating how literal compliance is unreasonable, would cause undue hardship, or the alternative standard providing equal or better results.
7. As previously noted, clearly document the available and required sight distance at the intersection of Oak Lane and Westtown Road for exiting vehicles and entering left turns. {§149-908C} The sight triangles should be illustrated graphically (refer to PennDOT Form M-950S) and demonstrate that sight lines are not obstructed by the adjacent walls (exiting vehicles) and the house opposite the driveway (entering left turns).
8. As previously noted, clearly document the available and required sight distance for exiting vehicles at the parking area egress and Oak Lane. {§149-915K.5}. The sight triangles should be illustrated graphically and demonstrate that sight lines are not obstructed by the adjacent embankment or proposed landscaping.
9. As previously noted, clearly indicate the removal of the existing Flashing Warning Device along Oak Lane.
10. As previously noted, ensure that the turning areas along the proposed paths are graded to provide a compliant level area. Supplemental grading details may be warranted.
11. As previously noted, clearly indicate if the arrows in the parking area are illustrative or to be installed, and provide pavement marking details for the crosswalks, stop legend, arrows (if needed) and accessible parking spaces.

Waivers/Modifications Request

12. Ensure that previously noted waiver/modifications are included in future requests and reflected on the development plans.

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



WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
(610) 692-1930

P.O. Box 79
Westtown, PA 19395
FAX (610) 692-9651

www.westtownpa.org

October 13, 2023

VIA EMAIL

Kate Donnelly
Westtown School
975 Westtown Road
West Chester, PA 19382

**Re: Westtown School Oak Lane Project
Preliminary/Final Land Development Application – Steep Slope Conservation
District Zoning Determination Letter**

Dear Ms. Donnelly:

The Township is in receipt of the revised Westtown School Oak Lane Project preliminary/final land development application dated September 28, 2023. This application calls for construction of a 1,096 square feet support building with ADA access, conversion of two existing grass athletic fields into synthetic turf fields, installation of permanent lighting for one athletic field, electronic scoreboards, 300-seat bleachers, player benches, a 4-foot high chain link fence, conversion of an existing gravel/grass parking area into 93 paved parking spaces, construction of walking paths, reconstruction of softball fields with dugouts, and installation of associated stormwater management facilities and landscaping. The support building will have team rooms, restrooms, an elevator, and storage, and will be served by the campus water system and public sewer. The stormwater management facilities include two infiltration basins and two subsurface detention/infiltration beds, each to be located beneath the synthetic turf athletic fields. The approval for permanent outdoor lighting of one field, with conditions, has been granted via conditional use under Section 170-1514.D(5) of the Westtown Township Zoning Ordinance.

The following items were included in the submission received on September 28, 2023:

1. Preliminary/Final Land Development Plan for Westtown School – Oak Lane Project(sheets 1 to 48) prepared by ELA Group, Inc. last revised September 19, 2023;
2. Revised waiver/modification request letter prepared by ELA Group Inc., dated September 27, 2023;
3. Erosion and Sediment Control Report prepared by ELA Group, Inc. last revised September 19, 2023;
4. Water Study prepared by ELA Group, Inc. dated September 27, 2023;
5. NPDES PCSM Module 2/Post Construction Stormwater Management Report prepared by ELA Group, Inc. last revised September 19, 2023;

6. Response letter from ELA Group, Inc. dated September 27, 2023 to the Cedarville review letter of September 1, 2023;
7. Response letter from Traffic Planning and Design Inc. dated September 19, 2023;
8. Letter from Daktronics dated September 28, 2023.

The purpose of this letter is to issue a zoning determination on the location of proposed improvements as it relates to the Steep Slope Conservation District in response to the review letter issued by the Township engineer dated October 13, 2023. I offer the following comment:

Chapter 170 – Zoning

1. Comments #66 and #67 regarding the determination that the uses proposed within the Steep Slope Conservation District are compliant with Section 170-402.

The applicant proposes several improvements within the areas of steep slopes, primarily removal of an existing gravel access drive, conversion of an existing gravel/grass parking area into paved parking with associated sidewalks and construction of a new support building. As per Section 170-402.D.(2), the erection of a building within areas of prohibitive slopes is not permitted by right. As per Section 170-402.D(3), the same uses as permitted in the underlying (A/C) Zoning District are allowed, which includes primary or secondary school (via special exception) and accessory uses, and are subject to the requirements described in said section, including the requirement for an erosion and sedimentation control plan and/or stormwater management plan. The applicant reasons that the existing slope areas might have been artificially created and provided the Slope Mapping Exhibit for Westtown School – Oak Lane Projects Plan Set (sheets 1 to 3) dated June 23, 2023 that shows the extent of the existing precautionary (15-25%) and prohibitive (> 25%) slopes in relation to the existing features (i.e., gravel access drive and athletic fields). The plan sheets also show aerial imagery captured over the years, from as early as 1921 to 2017, and includes excerpts from the United States Geological Survey (USGS) topographic maps from different time periods with contour lines. The applicant notes the slopes are indicative of prior grading activities associated with the establishment of the gravel drive extending from Oak Lane, with the flattening of the Oak Lane and the establishment of athletic fields. Currently, these slopes are being maintained as lawn.

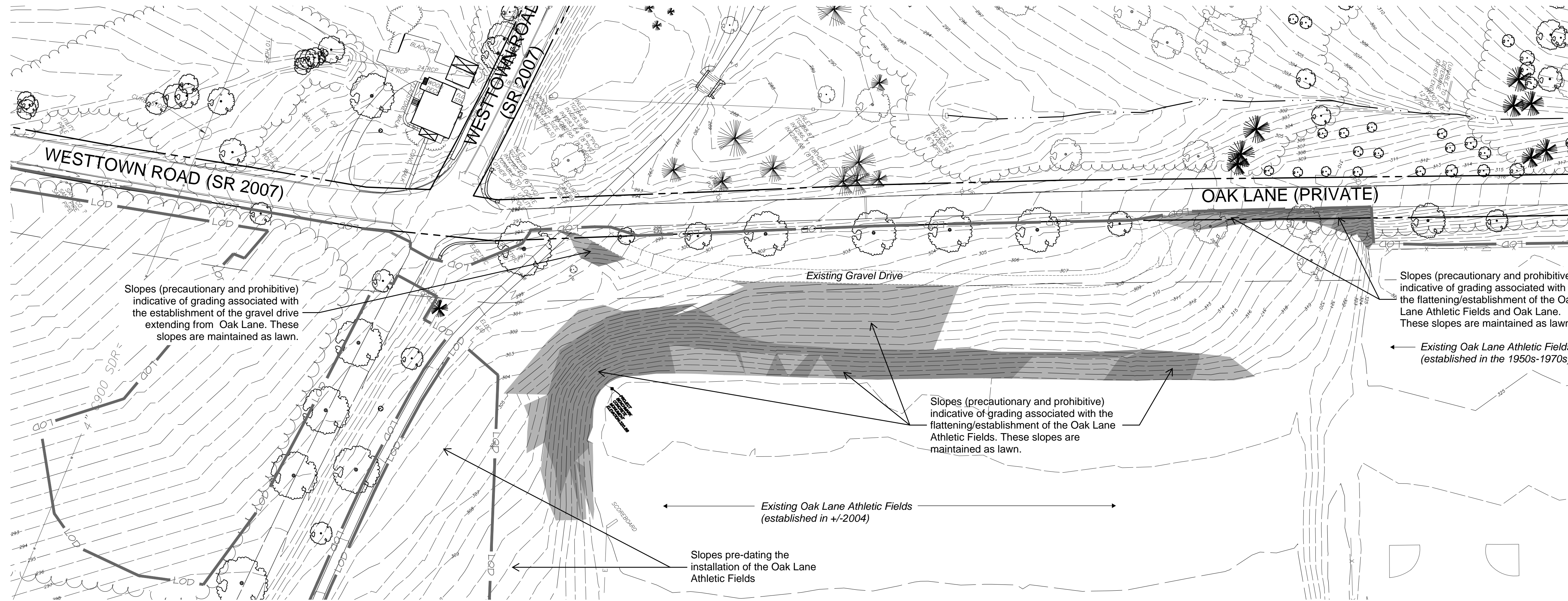
Based on the information provided by the applicant, it is evident that changes in topography has occurred due to man-made activities. Therefore, the Zoning Officer has no objections to proposed modifications to steep slope areas created as described by the applicant subject to approval by the Township Engineer and the Board of Supervisors. Furthermore, it is recommended that the applicant depicts and labels the extent of the artificial slope areas with the amount of disturbance on the plan.

Sincerely,



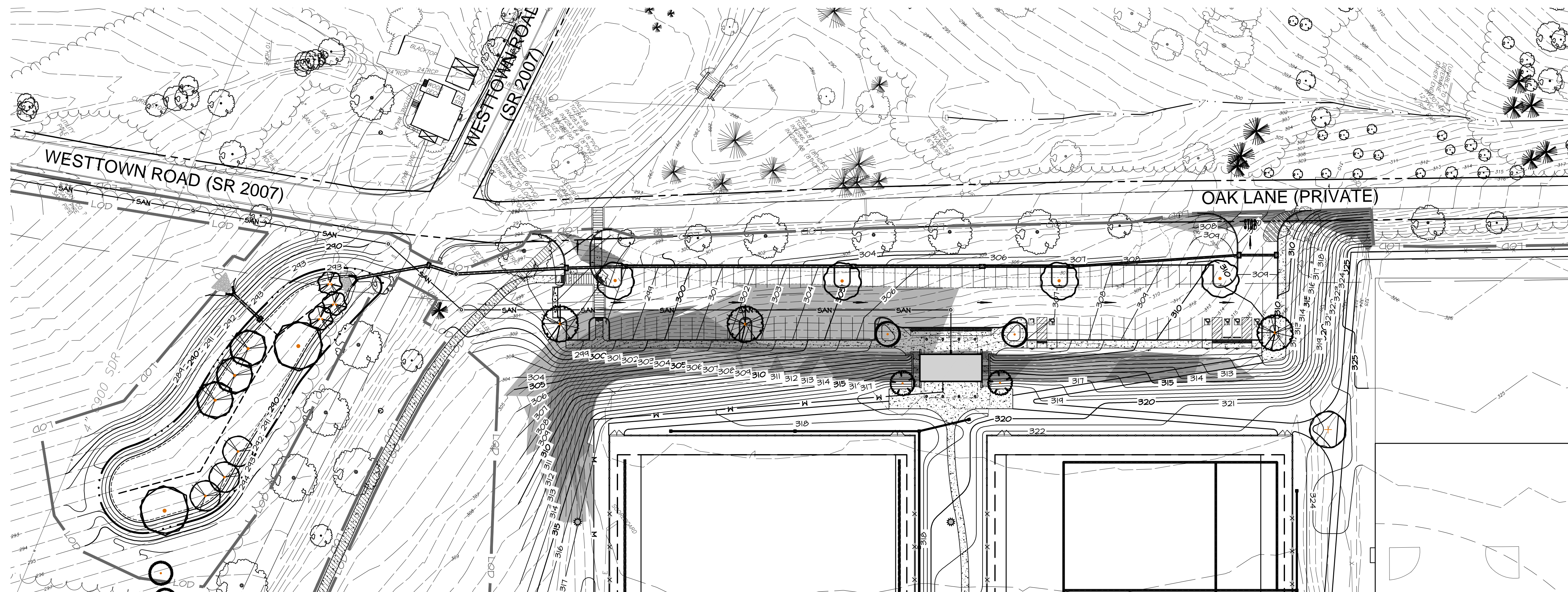
Liudmila Carter, Director of Planning and Zoning

Cc: Jon Altshul, Township Manager (via email)
Bob Flinchbaugh, Township Engineer (via email)
Kate Donnelly, Westtown School (via email)
Gina Gerber., Esq. (via email)



EXISTING CONDITIONS SHOWING STEEP SLOPE AREAS

SCALE: 1" = 50'



PROPOSED FEATURES OVERLAYING EXISTING STEEP SLOPE AREAS

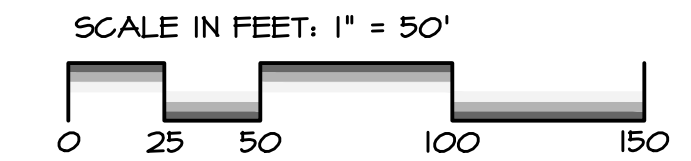
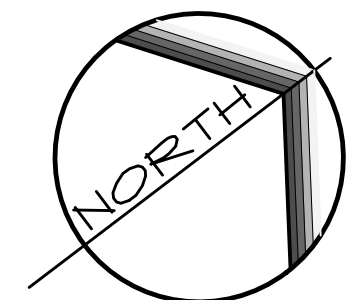
SCALE: 1" = 50'

SLOPE MAPPING

- PRECAUTIONARY SLOPES - 15-25%
- PROHIBITIVE SLOPES - > 25%

EXISTING LEGEND

- ADJOINING PROPERTY LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENTS
- CENTERLINE
- CURB LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- SETBACK LINE
- FENCE
- X X UNDERGROUND ELECTRIC
- UE OVERHEAD ELECTRIC
- OHE
- G GAS LINE
- S SANITARY SEWER LINE
- W WATER LINE
- 320 STORM DRAINAGE LINE
- 318 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING STREAM
- SOILS BOUNDARY
- ⊕ BENCHMARK
- ⊙ CONCRETE MONUMENT
- ⊙ IRON PIN, IRON PIPE
- ⊙ WELL
- ⊙ SANITARY MANHOLE
- ⊙ STORM DRAIN MANHOLE
- ⊙ MV WATER VALVE (MV)
- ⊙ MM WATER MAIN (MM)
- ⊙ EV GAS VALVE (EV)
- ⊙ FH FIRE HYDRANT (FH)
- ⊙ LP LIGHT POLE (LP)
- ⊙ GLT GROUND LIGHT (GLT)
- ⊙ CO CLEAN OUT (CO)
- ⊙ DS DOWN SPOUT (DS)
- ⊙ BOLLARD
- ⊙ SIGN
- ⊙ UTILITY POLE
- ⊙ INLET
- ⊙ MB MAILBOX
- ⊙ STORMWATER HEADWALL/ENDWALL
- TREELINE
- DECIDUOUS TREES
- ⊙ EVERGREEN TREE



SCALE IN FEET: 1" = 50'

REVISIONS PER:	DATE:	BY:
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743 S. BROAD ST.
LITITZ, PA 17543
(717) 626-7271
elagroup.com

LAND DEVELOPMENT
SUBJECT:
SLOPE MAPPING EXHIBIT
FOR
WESTTOWN SCHOOL - OAK LANE PROJECTS
WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA
CLIENT:
WESTTOWN SCHOOL
975 WESTTOWN ROAD
WEST CHESTER, PA 19382
(610) 399-0123

MANAGER:	CRH	DATE:	JUNE 23, 2023
DESIGNER:	JCB	PROJECT NO.:	1091-001
DRAWN BY:	JCB	SCALE:	1" = 50'

DRAWING NO.
1 of 3

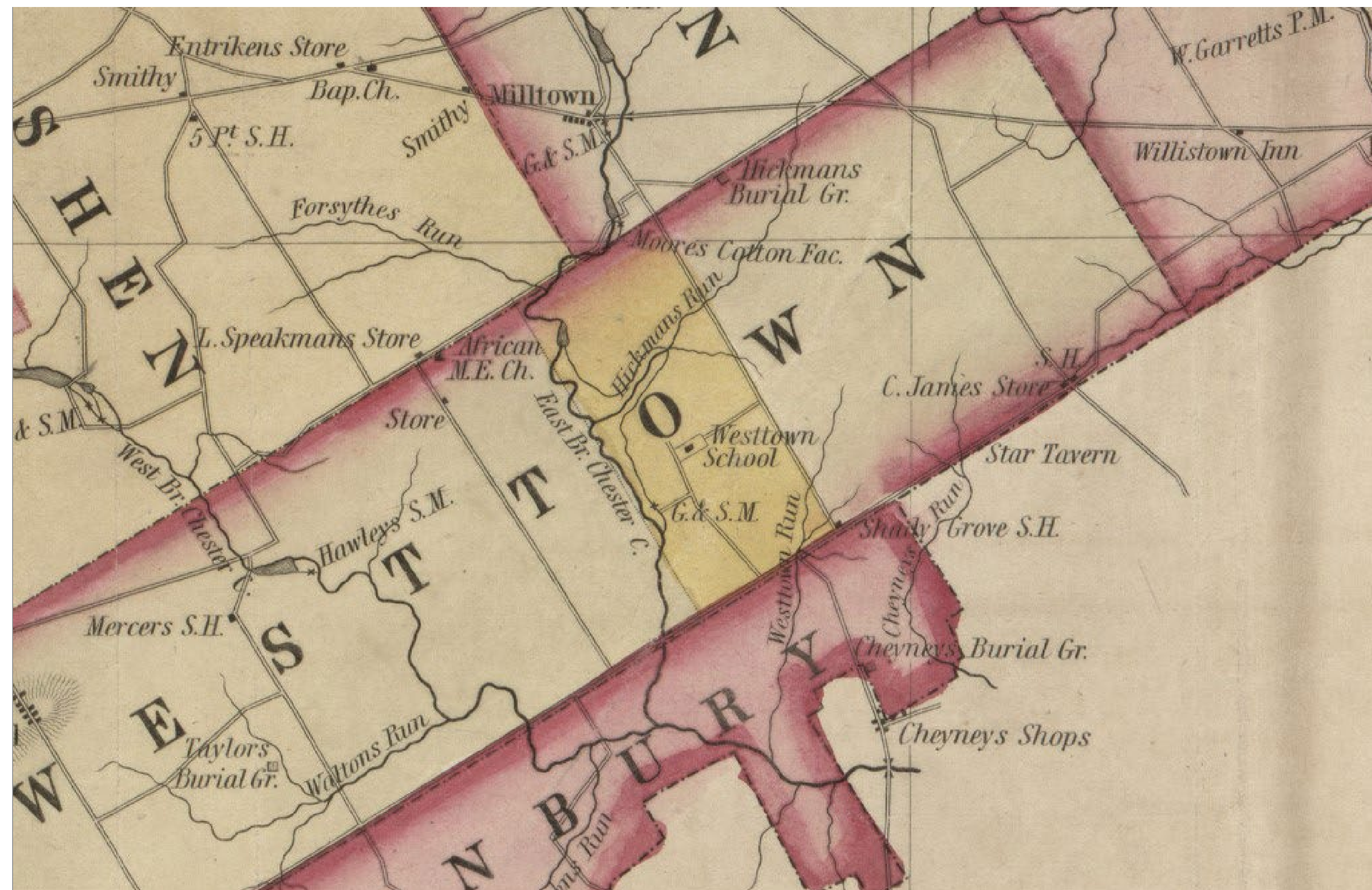


FIGURE 1

Excerpt from 1847 Map of Chester County depicting the Westtown School before Westtown Road and Oak Lane were constructed.^[1]



FIGURE 3

Aerial image captured in 1921 or 1922 depicting the Westtown School, Oak Lane, and the adjacent area where the present day Oak Lane athletic fields are situated. Trees are shown lining the south side of Oak Lane.^[3]

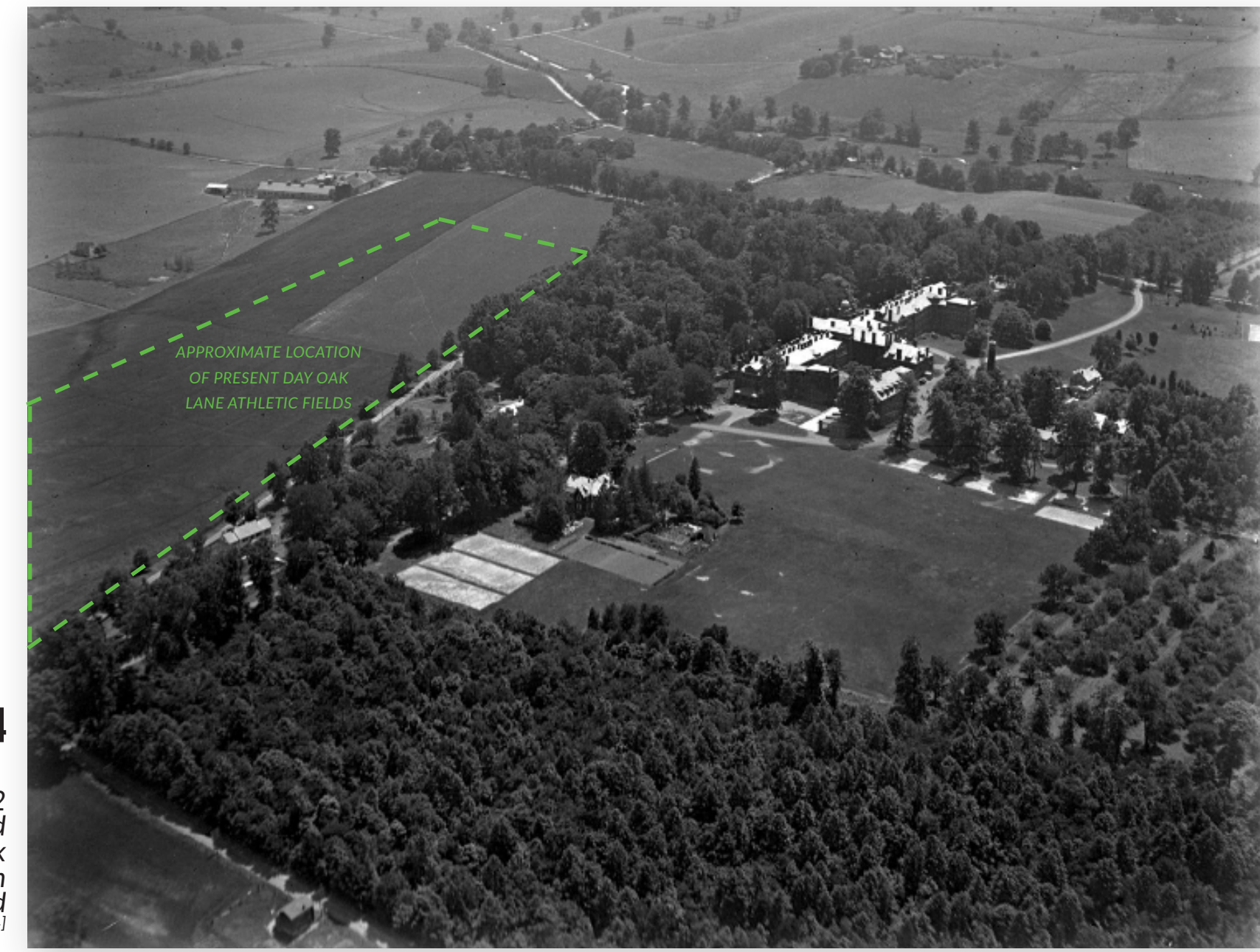


FIGURE 4

Aerial image captured in 1921 or 1922 depicting the Westtown School, Oak Lane, and the adjacent area where the present day Oak Lane athletic fields are situated. The terrain is smooth and rolling and the Oak Lane field area is being farmed.^[4]

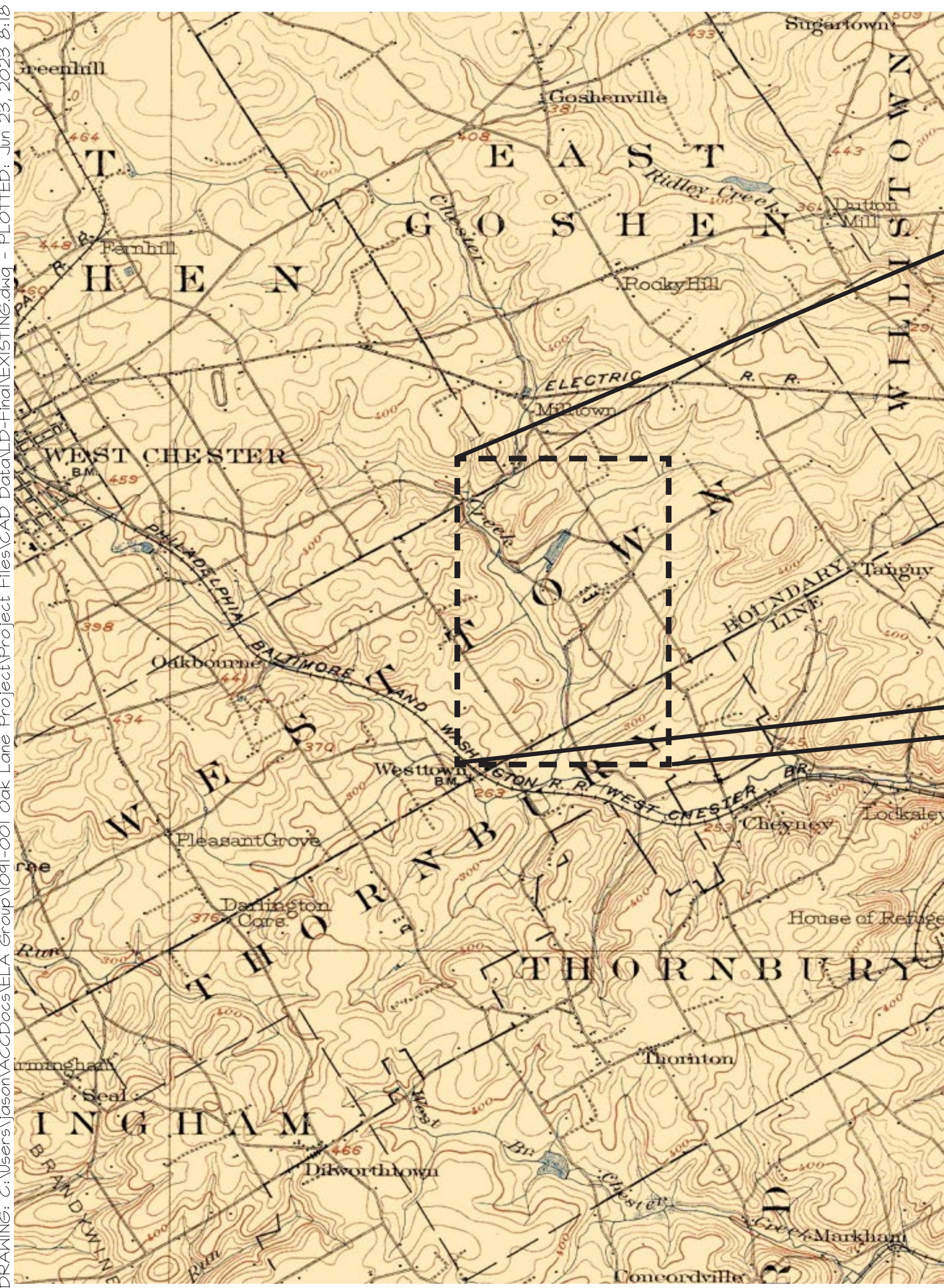


FIGURE 2

Excerpt from USGS West Chester Quadrangle (1904 Edition) depicting Oak Lane and the adjacent terrain.^[2]

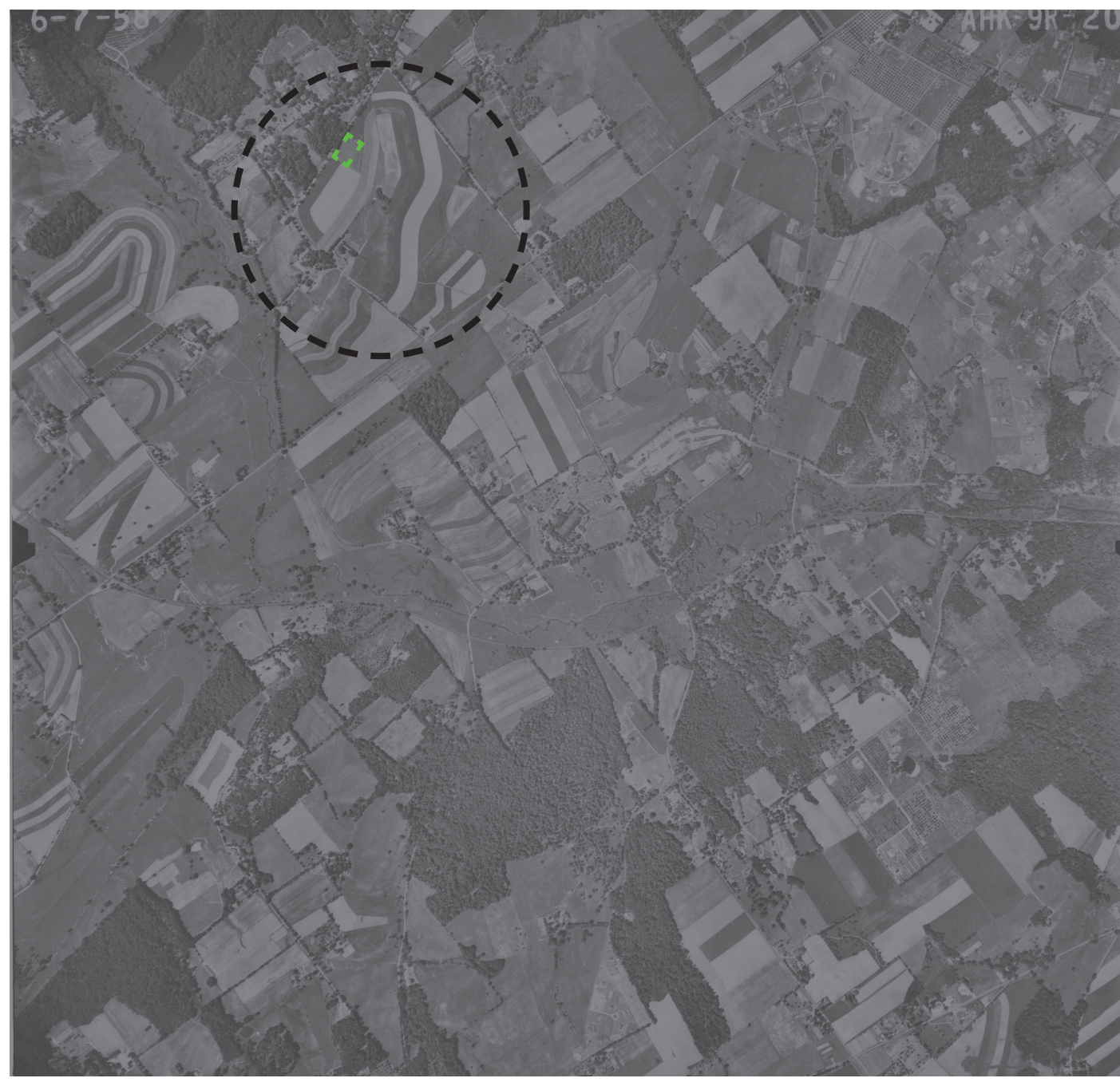


FIGURE 5

1958 aerial image depicting the landscape surrounding the location of Westtown School. Circle highlights the area where the present day Oak Lane athletic fields are situated. One athletic field (a baseball diamond, which is within the dashed green line) can be seen along the south side of Oak Lane midway between Westtown Road and Shady Grove Way. The area surrounding this baseball field remains dedicated to agriculture, though the walking path connecting the school buildings to the farm is visible as it crosses Oak Lane.^[5]

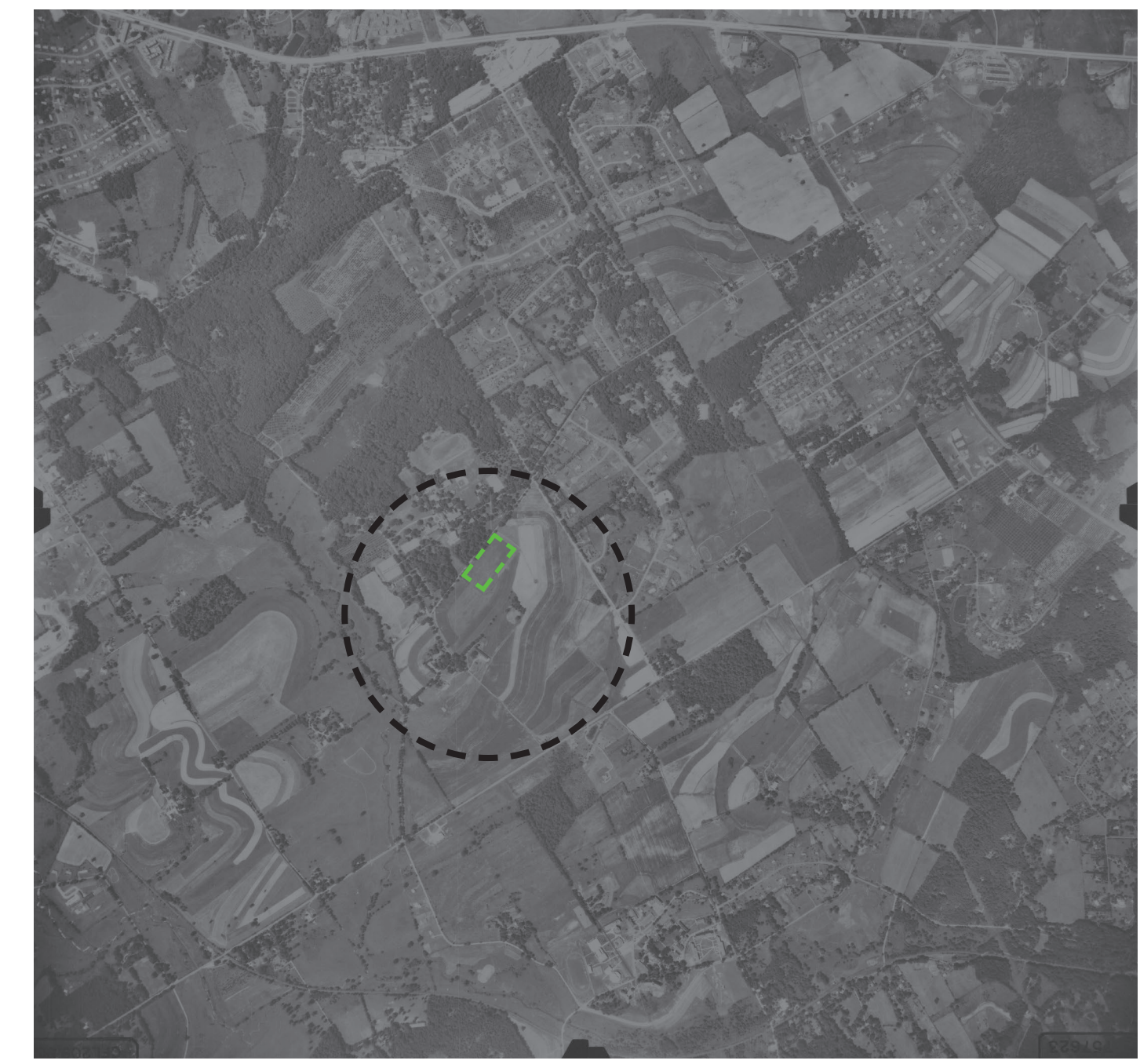


FIGURE 6

1971 aerial image depicting the area where the present day Oak Lane athletic fields are situated. The area used by the school for athletics has expanded since 1958 (see Figure 5). The area within the dashed green line has been flattened and the resultant man-made slopes can be identified along the northeast and southeast sides of the fields. The surrounding area remains dedicated to agriculture.^[6]

REVISIONS PER:	DATE:	BY:
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LAND DEVELOPMENT
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SLOPE MAPPING EXHIBIT
FOR
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WEST CHESTER, PA 19382
(610) 399-0123

MANAGER:	CRH	DATE:	JUNE 23, 2023
DESIGNER:	JCB	PROJECT NO.:	1091-001
DRAWN BY:	JCB	SCALE:	1" = 50'

DRAWING NO.
2 of 3

DRAWING: C:\Users\jason\OneDrive\Documents\ELA_Group\1091-001_Oak Lane Project\Project Files\CAD Data\LD-Final\EXISTING.dwg - PLOTTED: Jun 23, 2023 8:18 am

FIGURE 7



1993 satellite image depicting the location of Westtown School's Junior High Baseball field with overlay/ multi-purpose fields visible to the northeast. The present-day Varsity Baseball and Softball fields have not yet been constructed. The area where the synthetic turf fields are proposed remains in agricultural use.^[7]

FIGURE 8



This 2000 aerial image is largely the same as the 1993 image (Figure 7), however this image shows that the demonstration farm area has been constructed in the intervening years. The pine tree grove at the northeast corner of the Oak Lane fields has also been established. Oak Lane has been abandoned and is a Private Street, with the section between Friends Meeting Lane and Shady Grove Way having been removed.^[8]

FIGURE 9



This 2005 aerial image depicts the recent construction of the present-day Varsity Baseball and Softball fields as well as an expanded multi-purpose field area between the Softball and Junior High Baseball fields. Fill material generated during the construction of the Varsity Baseball field was used to flatten the area where the Softball and expanded multi-purpose fields are shown. The resultant man-made steep slopes at the southwest corner of the fields are visible in dark green.^[9]

FIGURE 10



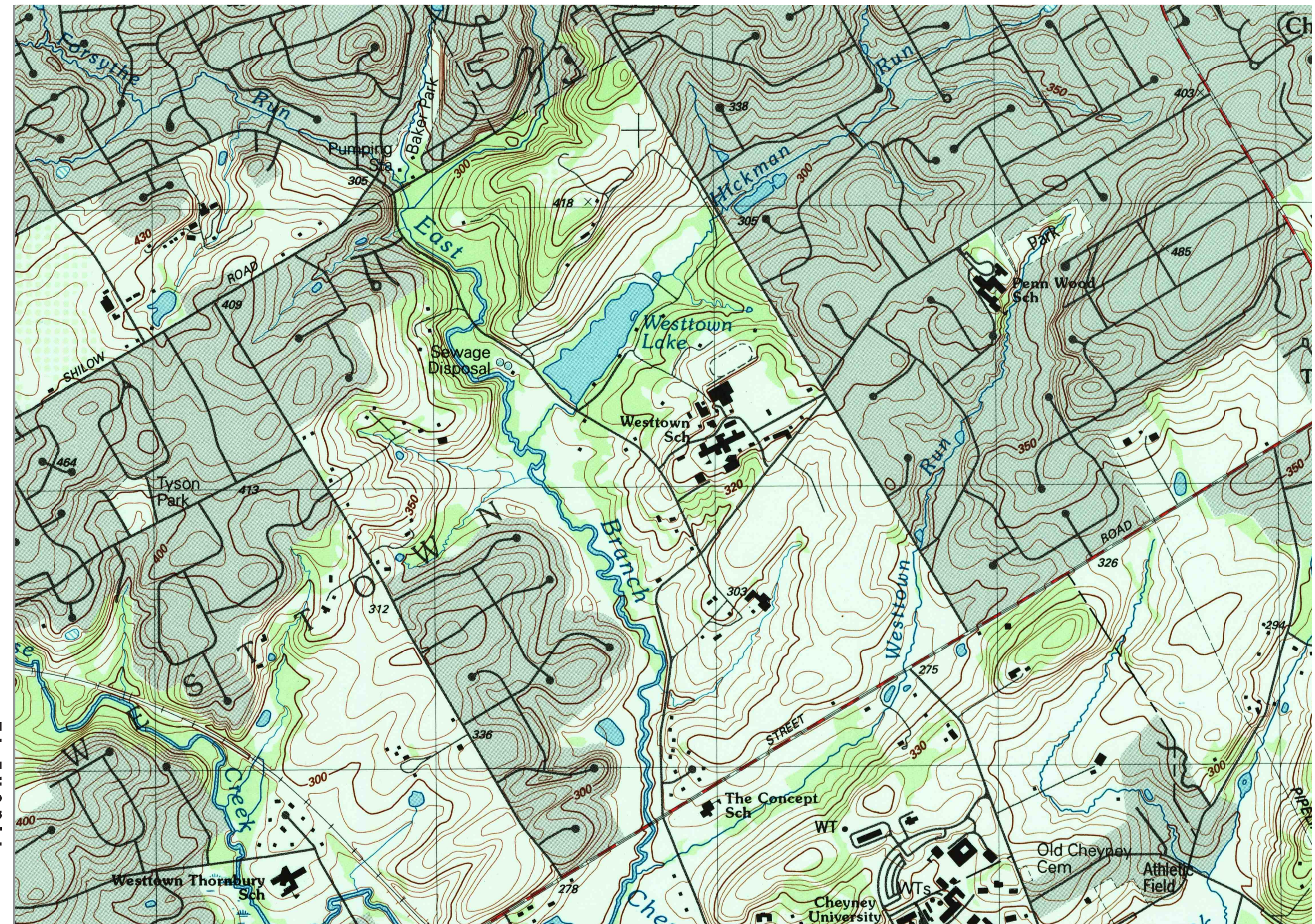
2015 satellite image depicting the location of Westtown School's Softball, Varsity Baseball, and Junior High Baseball fields. The gravel drive that facilitates parking for the Oak Lane fields can be seen between the Softball field and Oak Lane. The image is overlain with contour lines consistent with the present-day athletic facilities and features. The contours associated with the steep slope area at the northwest corner of the Softball field can be contrasted with those shown in Figure 12, which is a 1996 USGS topo quad.^[10]

FIGURE 11



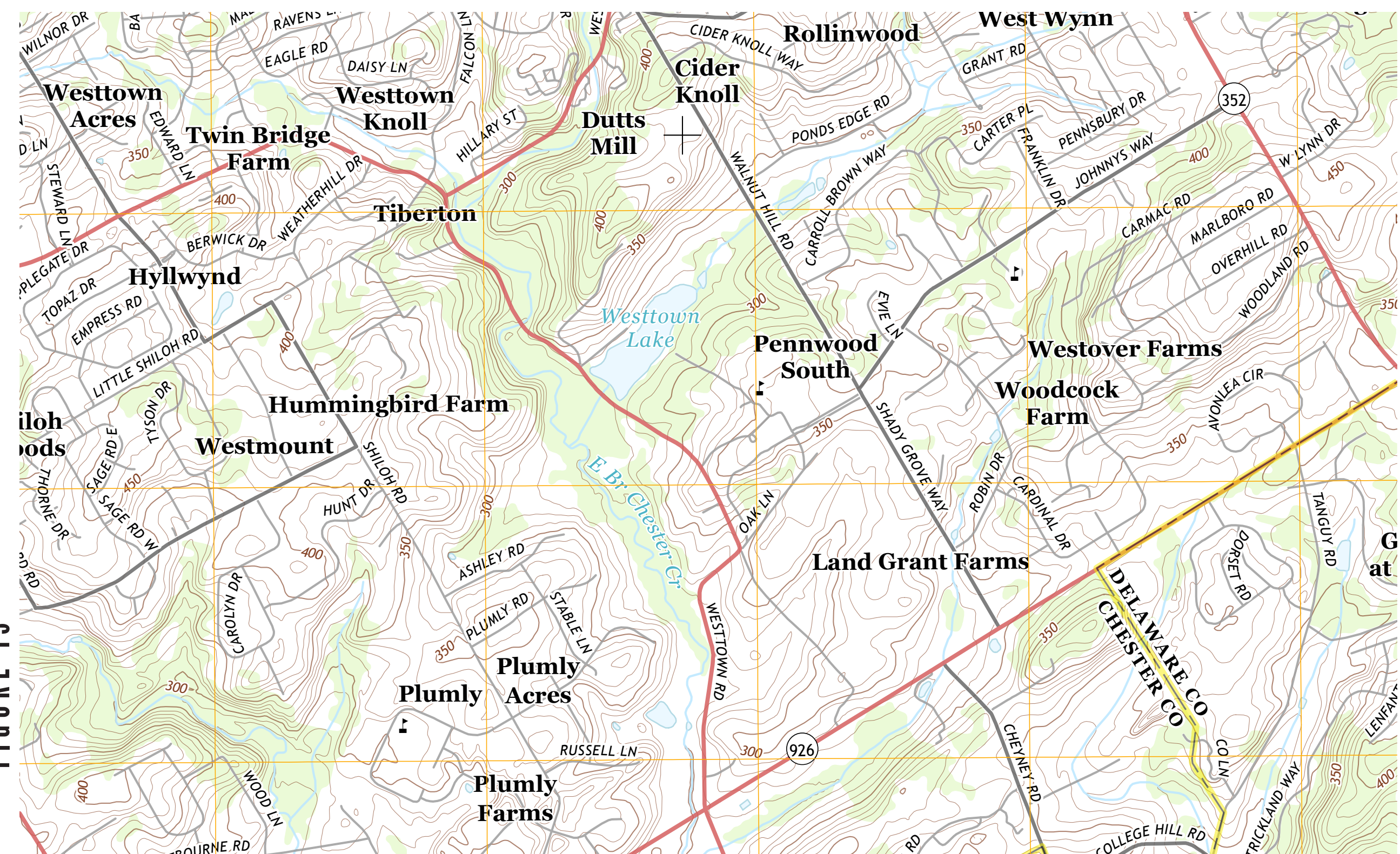
2017 satellite image depicting the location of Westtown School's Softball, Varsity Baseball, and Junior High Baseball fields as they exist today. Topographic lines illustrating the existing terrain are overlain on the photo.^[11]

FIGURE 12



This 1996 edition of the USGS West Chester Quadrangle illustrates the contrast in the terrain at the Oak Lane fields before and after the Varsity Softball and Baseball fields were constructed. See Figure 13 below, which depicts the terrain in this vicinity as of 2013.^[12]

FIGURE 13



This 2013 edition of the USGS West Chester Quadrangle illustrates the contrast in the terrain at the Oak Lane fields before and after the Varsity Softball and Baseball fields were constructed. See Figure 12 above, which depicts the terrain in this vicinity as of 1996.^[13]

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LAND DEVELOPMENT
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SLOPE MAPPING EXHIBIT
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MANAGER: CRH DATE: JUNE 23, 2023
DESIGNER: JCB PROJECT NO. 1091-001
DRAWN BY: JCB SCALE: 1" = 50'

DRAWING NO.
3 of 3

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article XVII Off-Street Parking and Loading

§ 170-1700 General requirements.

A. Applicability

- (1) Off-street parking facilities shall be provided whenever:
 - (a) A building is constructed or a new use is established.
 - (b) The use of an existing building is changed to a use requiring more parking facilities, as determined by this article.
 - (c) An existing building is altered so as to increase the amount of parking space required, as determined by this article.
- (2) Structures and uses in existence as of the date of adoption of this chapter shall not be subject to the requirements of this article, so long as the use is not changed nor its extent or density increased. No parking facility now serving structures or uses shall, in the future, be reduced below the requirements of this chapter.
- (3) All required parking facilities shall be provided and maintained for as long as the use which they are designed to serve remains in existence.

B. Decreased parking demand. When a building or structure undergoes a decrease in the number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measure specified hereinafter as a means for determining required off-street parking or loading facilities, or when the application of the standards herein would result in a requirement for fewer total off-street parking or loading spaces than are provided on the subject site, the available off-street parking and loading facilities may, upon approval by the Township, be so reduced accordingly; provided, however, that existing off-street parking or loading facilities may be so decreased only when the parking or loading facilities remaining would equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building, activity, or structure, as modified.

C. Increased parking demand. When any building or structure undergoes a change of use or any increase in the number of dwelling units, employees, gross floor area, seating capacity, or other unit of measurement specified hereinafter as a means for determining required off-street parking or loading facilities, and when such a change or increase would, through application of the provisions of these standards, result in a requirement for greater total off-street parking or loading spaces, such off-street parking or loading facilities shall be increased to equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building or structure, as modified in use or capacity.

D. Front yard parking restriction. No motor home, travel trailer, boat, or boat trailer shall be parked within any front yard. **[Amended 5-2-2005 by Ord. No. 2005-4]**

E. Repair, service, or sales use of parking facilities. It shall be unlawful to utilize any required off-street parking or loading facilities for motor vehicle repair work, service, display, or sales of any kind, except as expressly permitted elsewhere in this article.

§ 170-1701 **Location.**

- A. Except as provided under the terms of § **170-1706** of this article, all parking spaces shall be on the same lot as the principal building which they serve.
- B. No parking or paved area, except for permitted driveways or accessways, shall directly abut a public street. The minimum setback from the street line to the parking area shall be equal to that specified in § **170-1701D** of this chapter. Each such area shall be separated from the street by a curb, planting strip, wall or other suitable barrier against vehicles. [**Amended 5-2-2005 by Ord. No. 2005-4**]
- C. A garage may be located wholly or partly inside the walls of the principal building, or may be attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- D. The minimum distance for parking areas, as measured from the street line, shall be equal to the greater of 1/2 of the front yard building setback line or the setback prescribed for parking areas in the particular district in which the parking area is located. [**Amended 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4**]

§ 170-1702 **Size.**

- A. The following schedule of parking space and layout standards shall apply to all but commercial/retail parking facilities, in accordance with this article:

	Angle of Parking Row to Driveway Aisle			
	30°	45°	60°	90°
Depth of parking row	17'	20'	21'	18'
Width of parking space	9.5'	9.5'	9.5'	9.5'
Width of aisle	11'	13'	18'	24'
	(1 way)	(1 way)	(1 way)	(1 or 2 way)

- (1) Parking spaces for commercial/retail uses shall be a minimum of 20 feet in depth and 10 feet in width.
- (2) Parallel parking spaces shall be at least 24 feet in length and eight feet in width.
- (3) In the case of churches, schools and office parks, where parking is at a ninety-degree angle and a twenty-four-foot aisle is provided, 10% of the spaces shall be 9.5 feet by 18 feet. The remainder may be nine feet by 18 feet. [**Amended 12-5-1994 by Ord. No. 94-6**]

- B. Wheel stops: The Board may approve the use of continuous curbs as wheel stops and thus measure the size of parking spaces to be two feet less in length than otherwise required. In such instances, the parking layout should allow for the vehicle to overhang the curb by two feet; such overhang area must be clear of all obstructions (signs, trees, etc.) and may not be regarded as required landscaped area or pedestrian circulation space.

§ 170-1703 **Design and maintenance standards.**

A. General on-site circulation design standards.

- (1) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. Pedestrians moving between buildings shall not be unnecessarily exposed to vehicular traffic.
- (2) Roads, pedestrian walks, bicycle facilities, and open space shall be designed as integral parts of an overall site design. They shall be properly related to existing and proposed buildings and appropriately landscaped.
- (3) Landscaped, paved, and comfortably graded pedestrian walks, appropriate also for use by wheelchairs, shall be provided along the paths of the most intense use, particularly from building entrances to parking areas and adjacent buildings. Such walks shall have a minimum width of four feet.
- (4) The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs, and benches shall be of good appearance, easily maintained, and appropriate to their function.
- (5) Ramps shall be provided, giving access from parking areas to the building served, for disabled persons utilizing wheelchairs.
- (6) Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers, and/or landscaped islands. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be designed and landscaped so as not to impair visibility needed for traffic flow and turning movements. A maximum of 20 parking spaces shall be permitted without being separated by a landscaped area/island with a minimum 10 feet width. **[Amended 3-3-2003 by Ord. No. 2003-2]**
- (7) The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of §§ **170-1510** and **170-1513**, respectively, of this chapter.

B. General on-site parking design standards.

- (1) Parking spaces shall have a dust-free, all-weather surface; this requirement shall be met by paving unless otherwise approved by the Board of Supervisors. Pervious surfaces such as porous paving, concrete lattice blocks, or gravel may be substituted if approved by the Board, e.g., for reserve or overflow parking. Pervious surfaces shall be the only permitted means of providing parking in areas subject to floodplain regulations. **[Amended 9-5-2017 by Ord. No. 2017-3]**
- (2) Parking areas shall have a minimum slope of 1% in any direction to provide for drainage, and a maximum slope of 5% in any direction for safety, user convenience, and stormwater management.
- (3) All parking spaces shall be marked by durable painted lines at least four inches wide and extending the length of the space, or by curbs or other means, to indicate individual spaces. Signs or markers located on the surface within a parking lot shall be used as necessary to assure efficient and safe traffic operation.

- (4) Lighting shall be provided to illuminate any off-street parking spaces to be used at night. Lighting facilities shall comply in all applicable respects with the standards in § **170-1514** of this chapter.
- (5) Parking area landscaping and screening shall be accomplished in accordance with §§ **170-1507** and **170-1508** of this chapter.
- (6) Any person operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove snow and ice from the surface of the parking lot. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet, and snow and shall keep the sidewalks in a safe condition for use by pedestrians.
- (7) All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Any walls or landscaping, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout their use, and the Board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair, or rehabilitation is completed.

§ 170-1704 **Handicapped parking.**
[Amended 3-3-2003 by Ord. No. 2003-2]

Handicapped parking and related facilities shall conform to the requirements of Pennsylvania Act 235, the Universal Accessibility Act, as amended. In addition, the following regulations shall apply, unless superseded by further amendments to the aforementioned Act and its rules and regulations:

- A. In any parking area where the total number of parking spaces exceeds five, a minimum of one space for each 25 total spaces or fraction thereof shall be designed and designated for physically handicapped persons. Number of spaces: Any parking lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

Total number of parking Spaces on Lot	Required Minimum Number/ Percent of handicapped Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

Total number of parking Spaces on Lot	Required Minimum Number/ Percent of handicapped Parking Spaces
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20, plus 1% of required number of spaces over 1,000

- B. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped-accessible building entrance. Curb cuts shall be provided as needed to provide an accessible route from the handicapped spaces to an accessible entrance.
- C. Minimum size. Each required handicapped parking space shall be eight feet by 18 feet. In addition, each space shall be adjacent to a five-foot-wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.
- D. Slope. Handicapped parking spaces shall be located in areas of less than 2% slope in any direction.
- E. Marking. All required handicapped spaces shall be well-marked by clearly visible signs and pavement markings. Blue paint is recommended.
- F. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

§ 170-1705 Schedule of required parking.

The following shall be the minimum number of off-street parking spaces required for each land use, activity, building, or structure permitted by this chapter. When the determination of the number of off-street parking spaces results in a requirement of a fractional space, any fraction of 1/2 space or less should be disregarded and any fraction over 1/2 space shall count as one space. Parking spaces required on the basis of building floor area shall apply to gross leasable area as defined by this chapter, unless otherwise specified. Parking spaces required on an employee basis shall be based on the projected maximum number of employees on duty or residing, or both, on the premises at any one time, which would include any overlap of employees at a change of shift.

- A. Residential and lodging uses.
 - (1) Single-family and two-family dwellings: Three parking spaces for each dwelling unit. The Board of Supervisors may require that a street include sufficient paved width to allow on-street parking along one or both sides of the street if determined to be necessary to meet parking needs. **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - (2) Mobile homes: two parking spaces per dwelling unit.
 - (3) Townhouses, apartments, and similar multifamily dwellings: 2.5 parking spaces per dwelling unit, 0.5 spaces of which may be located in convenient overflow areas for guests. The allowable parking for apartments designed for and exclusively occupied by individuals over the age of 55 may be reduced to 1.5 parking spaces per household with the specific approval of the Board of Supervisors. Garage parking spaces serving a townhouse or apartment shall only count as 0.5 parking spaces. The Board of Supervisors may require that a street include sufficient paved width to allow on-street parking along one or both sides of the street if determined to be necessary to meet parking needs. **[Amended 5-3-1999 by**

Ord. No. 99-2; 3-3-2003 by Ord. No. 2003-2]

- (4) Motel, hotel: 1.2 parking spaces for each sleeping room or suite offered for tourist accommodation. Additional parking spaces shall be provided, equal to 60% of that which is required by this section, for restaurants or places of assembly which are available for use by the general public but are located within the hotel or motel.
- (5) Nursing home: 1.5 parking spaces for every two beds that can be provided at maximum design capacity of the facility.
- (6) Residential care facilities. **[Amended 2-5-2001 by Ord. No. 2001-3]**
 - (a) With 20% or more of the total bed count dedicated to residents requiring continual health-care services: 1.0 spaces for every five resident beds or 1.0 spaces for every four dwelling units, whichever is greater.
 - (b) With less than 20% of the total bed count dedicated to residents requiring continual health care: 1.0 space for every three resident beds or 2.0 spaces for every five dwelling units, whichever is greater.
- (7) Adult community development: Two off-street parking spaces shall be required for each dwelling unit. However, in the case of townhouse dwellings, an average of 0.5 spaces per dwelling unit may be located along interior streets in locations that are convenient to the dwellings being served, provided that the street is of sufficient width. **[Added 5-3-1999 by Ord. No. 99-2]**
- (8) Continuing care retirement community (CCRC): In a CCRC, off-street parking shall be provided in clear proximity to each use being served as follows: **[Added 9-15-2008 by Ord. No. 2008-1]**
 - (a) One parking space shall be provided for each employee on the largest shift; plus
 - (b) One parking space for every four assisted living residences; plus
 - (c) One parking space for every five beds in a nursing facility; plus
 - (d) Parking spaces for each independent living residence in an apartment structure in the amount of 1.3; plus
 - (e) Two parking spaces for each independent living residence in a single-family, two-family or townhouse structure; plus
 - (f) Additional reserve or overflow parking or parking for guests and visitors as required by the Board as a condition of conditional use approval, based upon evidence demonstrating the need therefor.
- B. Retail and service uses. **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - (1) Indoor retail businesses: Parking or storage space for all vehicles used in the conduct of business, plus five parking spaces per 1,000 square feet of floor area of rooms accessible to customers. For a shopping center, see § 170-1609.
 - (2) Theaters, recreation centers, swimming pools, skating rinks, and other public or private recreation and amusement facilities:
 - (a) One parking space for every three customers (or patrons), computed on the basis of maximum servicing capacity at any one time, as shall be determined by the Township, plus one additional space for every two persons regularly employed on the premises at a peak period of use.
 - (b) Specific provisions over and above this standard may be required for uses, such as movie theaters, involving successive changes of patrons with a corresponding overlap in parking required.

- (3) Bowling alleys: Five parking spaces per lane.
- (4) Banks, credit unions, and related retail financial service organizations:
 - (a) One parking space per 75 square feet of floor area devoted to customer service and related circulation; plus
 - (b) Parking for the balance of the facility used for office purposes at a ratio of one parking space per 225 square feet of gross leasable area.
- (5) Restaurant or similar use:
 - (a) One space per three seats; or
 - (b) One space per 100 square feet of total floor area, whichever yields the greater number of spaces.
- (6) Carry-out, drive-in, drive-through, or other fast-food restaurant:
 - (a) Twenty-four parking spaces for every 1,000 square feet of gross leasable area, plus two parking spaces for every three employees.
 - (b) Fast-food restaurants providing drive-through window service shall be sited in such a manner that at least 10 vehicles can stand in line awaiting such service without blocking access to otherwise required parking spaces.
- (7) Automobile service stations: Parking or storage space for all vehicles used directly in the conduct of the business, plus:
 - (a) One parking space for each gas dispenser;
 - (b) Three spaces for each service bay or similar facility; and
 - (c) One space for every two persons employed on the premises.
- (8) Grocery store or supermarket: Six spaces per 1,000 square feet of gross leasable area, unless part of a shopping center containing an additional 50,000 square feet or more of retail space, in which case this requirement shall be considered to be met through compliance with the overall shopping center requirements, as stipulated in § **170-1608**.
- (9) Funeral home:
 - (a) One space for every four seats available for persons attending memorial services; or
 - (b) One space for every 50 square feet of gross leasable floor area, whichever yields the greater number of spaces.
- (10) Automobile sales:
 - (a) Spaces for parking of vehicles for sale or lease, which shall not be required to meet minimum dimension and aisle width requirements.
 - (b) One space for customer parking for every 25 vehicles offered for sale or lease.
 - (c) One space per employee.
 - (d) Four spaces for every service bay or similar facility.

C. Offices.

- (1) General offices (including office campus as provided in Article **XII**): One parking space per 200 square feet of gross floor area for business, professional, governmental, or institutional offices, including associated storage areas for files, equipment, or office supplies, but excluding medical or dental offices.
- (2) Medical or dental offices: One off-street parking space shall be provided per 150 square feet of gross habitable floor area. **[Amended 9-15-2008 by Ord. No. 2008-1; 4-4-2022 by Ord. No. 2022-03]**

D. Industrial and warehouse uses: One parking space for each employee on the shift of greatest employment, or one space for every 500 square feet of gross floor area, whichever yields the greater number of spaces.

E. Community service uses and places of assembly.

- (1) General places of assembly: All theaters, auditoriums, churches, and other similar places of assembly, including those associated with public or private educational institutions, shall provide at least two parking spaces per five seats of the assembly or meeting space at maximum capacity. The maximum capacity shall be determined as allowed by applicable Fire Code or Building Code standards.
- (2) University, college, academy, or similar institution of higher learning: One parking space for each resident student and each faculty or staff residence on the site, plus two parking spaces for each five seats occupied at maximum capacity, in combination, of any assembly hall, auditorium, stadium, gymnasium, or other places of assembly on the campus.
- (3) Schools:
 - (a) Private vocational or similar adult trade school or training center: One space per student.
 - (b) Elementary school, nursery school, day-care center: One space per 15 students.
 - (c) Middle or junior high school: One space per 10 students, plus one space per 10 fixed seats in an auditorium.
 - (d) High school: One space per four students, plus one space per 10 fixed seats in an auditorium.

F. Miscellaneous uses.

- (1) Libraries, museums, galleries, and similar uses: Parking or storage space for all vehicles used directly in the operation of such establishment, plus four parking spaces for each 1,000 square feet of total floor area.
- (2) Private clubs, lodges, or other organizations of a fraternal, civic, union-related, religious, or similar nature: One parking space for each four members, or one space per 50 square feet used for assembly, dining, meetings, or other specific use of the club facilities, whichever yields the greater number of spaces, plus one additional parking space for every two persons regularly employed on the premises.
- (3) Hospitals and rehabilitative services centers: 0.85 spaces per employee on duty at any one shift change or 0.65 spaces per full-time equivalent total employment, whichever yields the greater number of spaces, plus additional parking spaces for visitors on the basis of 0.6 spaces per bed. **[Amended 9-15-2008 by Ord. No. 2008-1]**
- (4) Research and development facility: One parking space per 350 square feet of gross leasable area occupied by research and development uses such as laboratories and testing facilities.

- G. Other uses. The Board shall determine with which of the preceding categories of parking regulation any unlisted use shall comply.

§ 170-1706 **Shared parking.**

- A. Up to 50% of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multifamily dwelling units, for a VAC, or for a school may be provided and used jointly by banks, offices, certain retail stores, repair shops, service establishments, VAC accessory uses, and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8:00 a.m. to 5:00 p.m.) if specifically approved by the Board. **[Amended 12-16-2013 by Ord. No. 2013-6]**
- B. Written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor, and shall be filed and made part of the application for a building permit.
- C. Such approval may be rescinded by the Board and additional parking shall be obtained by the owners, in the event that the Board determines that such joint use is resulting in a public nuisance or otherwise adversely affecting the public health, safety, or welfare.
- D. Upon approval of the Board, as prescribed in Subsection **B** above, two or more uses may satisfy their individual parking requirements in a common parking lot, provided that the number of parking spaces in the lot equals the sum of the parking spaces required for each use. Parking spaces shall be located so that no space is greater than 500 feet from the building or use it is intended to serve, except in the case where off-street parking for a VAC use is provided off premises under § **170-802G**, in which case such parking spaces may be located 650 feet from property on which the VAC use is located. **[Amended 12-16-2013 by Ord. No. 2013-6]**
- E. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces have been made available.

§ 170-1707 **Parking reserve area.**

The number of parking spaces to be constructed may be less than the number required herein only where the following conditions are met to the satisfaction of the Township:

- A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.
- B. The land development plan submitted by the applicant indicates that the location and layout of that portion of the required parking or loading area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that all or any additional portion of this parking or loading is necessary and in the interest of the public health, safety, and welfare.
- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other nonpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with § **170-1507** of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any

time, except as provided in § **170-1709A**.

§ 170-1708 **Parking standards for single-family residential dwellings.**

In addition to the Schedule of Required Parking, § **170-1705A(1)**, the following regulations shall apply to single-family residential dwellings:

- A. Use of residential parking facilities. Parking facilities accessory to a residential use in any district shall be used solely for the parking of passenger automobiles and not more than one commercial vehicle of not more than two tons' gross weight utilized by occupants of the dwelling to which such facilities are accessory, or by guests of such occupants. [**Amended 5-2-2005 by Ord. No. 2005-4**]
- B. A garage may be located wholly or partly inside the walls of the principal building, or may be attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- C. Areas devoted to surface parking may occupy no more than 50% of any required front, side, or rear yard.
- D. Parking spaces shall have a dust-free, all-weather surface; this requirement shall be met by paving unless otherwise approved by the Board of Supervisors. Pervious surfaces such as porous paving, concrete lattice blocks, or gravel may be substituted if approved by the Board, e.g., for reserve or overflow parking. Pervious surfaces shall be the only permitted means of providing parking in areas subject to floodplain regulations. [**Amended 9-5-2017 by Ord. No. 2017-3**]
- E. Parking areas shall have a minimum slope of 1% in any direction to provide for drainage, and a maximum slope of 5% in any direction for safety, user convenience, and stormwater management.

§ 170-1709 **Shopping center parking.**

- A. Except as specified in Subsection **B** below, a minimum of 4.5 spaces shall be provided for each 1,000 square feet of gross leasable area, or fraction thereof, within the proposed shopping center. In addition, a parking reserve area, consistent with the terms of § **170-1707**, shall be designed and shown on the plan so that, if developed, it would yield a ratio of 5.0 spaces for each 1,000 square feet of gross leasable area. If, at the end of the sixth year following full development of the tract, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board for permission to develop or otherwise utilize the parking reserve area in accordance with the terms of this chapter.
- B. A minimum of 4.0 spaces shall be provided for each 1,000 square feet of gross leasable area or fraction thereof devoted to office use. An initial reduction of up to 25% of this area may be permitted by the Board, provided that sufficient land is reserved and properly identified as such to meet the full requirements of this chapter, should the Board subsequently deem it necessary.

§ 170-1710 **Off-street loading.**

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale residential or institutional use. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in this section.

- A. Area of loading berths or spaces.
 - (1) A required off-street loading berth to be utilized in conjunction with any use requiring tractor trailer delivery shall be at least 12 feet in width and at least 65 feet in length, exclusive of aisle and maneuver space, and shall have a vertical clearance of at least 14 feet.

- (2) Required loading spaces to serve commercial uses and other facilities with similar needs shall be at least 12 feet in width and at least 35 feet in length, and may be located parallel to the building served.
- B. Access to loading area. Each required off-street loading space or berth shall be afforded appropriate means of vehicular access to a street, highway, or alley in a manner which will least interfere with traffic movement.
 - C. Surfacing. All open off-street loading areas shall be improved with a compacted select gravel base and surfaced with an all-weather dustless material, suitably designed for the intended use to a standard approved by the Township Engineer.
 - D. Screening. All loading berths or spaces and truck circulation areas which abut a residential district shall be set back at least 100 feet therefrom unless they are completely screened therefrom by building walls, or a solid fence, wall, or landscaping, or any combination thereof, not less than six feet in height. In no case shall such spaces or berths be closer than 35 feet therefrom. Screening shall further comply with the standards of § **170-1508** of this chapter.
 - E. Number of spaces.
 - (1) Buildings with commercial, industrial, or storage use which exceed 6,000 square feet of gross leasable area shall be provided with a minimum of one off-street loading berth.
 - (2) Commercial or other uses which do not exceed 6,000 square feet of gross leasable area, and which involve regular deliveries as part of their operation, shall be provided with a minimum of one off-street loading space.
 - F. Location. Loading and unloading areas shall not be located between the building setback line and the street line. No delivery vehicle shall park on any sidewalk. Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or large-scale residential or institutional use. Loading berth space which is utilized for the location of trash collection or compaction units shall be provided for and shall be in addition to the loading space requirements provided in this section. [**Amended 3-3-2003 by Ord. No. 2003-2**]

§ 170-1706. Shared parking. *(EXISTING)*

- A. Up to 50% of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multifamily dwelling units, for a VAC, or for a school may be provided and used jointly by banks, offices, certain retail stores, repair shops, service establishments, VAC accessory uses, and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8:00 a.m. to 5:00 p.m.) if specifically approved by the Board.
- B. Written agreement assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor, and shall be filed and made part of the application for a building permit.
- C. Such approval may be rescinded by the Board and additional parking shall be obtained by the owners, in the event that the Board determines that such joint use is resulting in a public nuisance or otherwise adversely affecting the public health, safety, or welfare.
- D. Upon approval of the Board, as prescribed in Subsection B above, two or more uses may satisfy their individual parking requirements in a common parking lot, provided that the number of parking spaces in the lot equals the sum of the parking spaces required for each use. Parking spaces shall be located so that no space is greater than 500 feet from the building or use it is intended to serve, except in the case where off-street parking for a VAC use is provided off premises under § 170-802G, in which case such parking spaces may be located 650 feet from property on which the VAC use is located.
- E. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces have been made available.

§ 170-1706. Shared Parking. **(PROPOSED)**

- A. The parking spaces required by § 170-1705 may be reduced when two or more uses on abutting lots share a parking area, subject to the following conditions:
 - 1. That some portion of the shared off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
 - 2. Pedestrian facilities comply with current standards for accessibility and § 149-916
 - 3. Access and parking easements are prepared and recorded for each property affected by the shared parking.
- B. The minimum amount of shared parking required shall be based on the application of the below percentages to the parking required for each land use per § 170-1705.

Use	Weekday		Weekend		Other
	Day (9 AM to 4 PM)	Evening (6 PM to 12 AM)	Day (9 AM to 4 PM)	Evening (6 PM to 12 AM)	Other (12 AM to 9 AM)
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel/Motel	60%	100%	60%	100%	100%
Restaurant	50%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Other Uses	The Board shall determine with which of the preceding categories any unlisted use shall comply.				

§ 170-1707. Parking reserve area. *(EXISTING)*

The number of parking spaces to be constructed may be less than the number required herein only where the following conditions are met to the satisfaction of the Township:

- A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.
- B. The land development plan submitted by the applicant indicates that the location and layout of that portion of the required parking or loading area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that all or any additional portion of this parking or loading is necessary and in the interest of the public health, safety, and welfare.
- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other nonpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with § 170-1507 of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time, except as provided in § 170-1709A.

§ 170-1707. Parking reserve area. **(PROPOSED)**

The number of parking spaces to be constructed may be less than the number required herein only where the following conditions are met to the satisfaction of the Township:

- A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.
- B. The land development plan submitted by the applicant indicates that the location and layout of 50% of the required parking area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that this parking is necessary and in the interest of the public health, safety, and welfare.
- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other nonpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with § 170-1507 of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.
- G. Prior to approving a change of use or other modification that results in a requirement for greater total off-street parking, the owner must demonstrate continued compliance with this Article.

§ 170-1709. Shopping center parking. (EXISTING)

- A. Except as specified in Subsection B below, a minimum of 4.5 spaces shall be provided for each 1,000 square feet of gross leasable area, or fraction thereof, within the proposed shopping center. In addition, a parking reserve area, consistent with the terms of § 170-1707, shall be designed and shown on the plan so that, if developed, it would yield a ratio of 5.0 spaces for each 1,000 square feet of gross leasable area. If, at the end of the sixth year following full development of the tract, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board for permission to develop or otherwise utilize the parking reserve area in accordance with the terms of this chapter.
- B. A minimum of 4.0 spaces shall be provided for each 1,000 square feet of gross leasable area or fraction thereof devoted to office use. An initial reduction of up to 25% of this area may be permitted by the Board, provided that sufficient land is reserved and properly identified as such to meet the full requirements of this chapter, should the Board subsequently deem it necessary.

§ 170-1709. Shopping center parking (PROPOSED)

- A. The number of parking spaces for an existing shopping center may be reduced to 3.5 for each 1,000 square feet of gross leasable area, or fraction thereof, within the shopping center only when the following conditions are met to the satisfaction of the Township:
 - 1. The owner shall submit to the Township for review and approval a Parking Study including:
 - a. Evidence documenting that the special nature of the proposed occupancy or use of the buildings require less parking area or fewer spaces than that required by this article.
 - b. Documentation of parking occupancy based on two separate observations completed during peak summer and winter periods, the specific time of which are confirmed with the Township Traffic Engineering prior to collecting data.
 - c. A comparison of the observed and proposed parking relative to the 85th percentile parking demand presented in the Institute of Transportation Engineer's Parking Generation, latest edition.
 - 2. An area equal to 10% of the parking being removed will be landscaped, including full depth removal of the existing paving.

Memo

To: Westtown Township Planning Commission
From: Liudmila Carter, Director of Planning & Zoning
Date: September 27, 2023
Re: Proposed ordinance amendments re: fences

Over the course of this year, several concerns have been raised about the current fence regulations, which resulted in the Planning Commission's request to reevaluate them to determine whether any changes shall be considered. The raised concerns include:

- 1) Currently, a permit is required for the installation of all fences, except in the Township District, exceeding the 40 feet in length and within the front, side or rear side setback areas. The proposed fences shall comply with placement, type, height related and other requirements as stated in the ordinance. However, the current language does not address fence installation where one desires to place it outside of the required building setback area of any yard. The Township staff has seen attempts to install an 8-foot high fence to enclose a patio area at the rear of the house and a 10-foot high fence to enclose the immediate area of the house for privacy purposes.
- 2) Existing fence regulations do not address the use of barb wire for fencing purposes. The Township staff is only aware of one property that has it installed.
- 3) The maximum permitted height for a fence in a residential district or a residential or agricultural lot in another zoning district, except for enclosing recreational facilities, is 6 feet. The maximum permitted height for a fence located on any nonresidential lot is 8 feet. It has been brought to attention that allowable height is not sufficient to address concerns of deer browsing and its impacts in residential yards, specifically to plants and vegetable gardens.

It is important to note that the Township is in receipt of permit applications for garden enclosures from the residents who are trying to protect their crops from deer. One of the proposed garden enclosures is 20 feet by 20 feet and 12 feet high, consisting of wooden frame with metal netting on the sides and the top, which shall comply with accessory structure regulations.

The Township staff conducted research on the history of fencing in the United States, reviewed the Pennsylvania Fence Law and existing regulations pertaining to fences across local municipalities, and provided summary of items to be discussed with the Planning Commission whether any amendments might be needed. The discussion items are grouped by the subject matter below.

Fence Purposes

- Residential: demarcation of property boundaries, privacy, safety (e.g., swimming pools), enclosure for various purposes (dogs, beekeeping), screening and aesthetics.
- Commercial: property security and anti-trespassing measures (renewable energy systems, wireless communication facilities, stormwater management facilities), public safety (quarry, mining areas and landfills), screening of junkyards, privacy for outdoor sitting areas and adjacent residential areas, safety for kennel, animal shelter and veterinary office.
- Recreational purposes: demarcation of dog parks and outdoor playing areas, recreational areas, such as basketball, tennis courts, and etc.

- Agricultural: grazing or pasture areas and/or keeping of domestic animals, protection of livestock from wildlife.
- Fence use as a deer management tool: According to the information provided by the Pennsylvania Game Commission, deer exclosures has been effectively used in forest habitat management to establish, protect, or increase regeneration of forest and to promote plant species diversity. The issue of deer management on private property has become more apparent in recent years. The results of [the Annual Deer Population Report \(2022-2023\)](#) demonstrate that geographic areas where more than 25% of residents say that deer population is too high has increased between 2011 and 2019. Several municipalities in Chester County has taken proactive steps in an attempt to manage deer population on a local level, including establishment of deer management committees, development of deer management programs, implementation of bow hunting in designated Township owned open spaces, and deer harvesting referral programs. However, zoning regulations supportive of deer management on private property, are not prevalent in Chester County. In order to be effective in keeping deer away, it is recommended for a fence to be at least 8 feet high, which is higher than the average allowable height on residential properties across the County.

Fence Placement

- Placement of fencing is generally regulated within required yards or specific setback areas. Consideration shall be given whether there is a need for regulating all fences on private property.
- Current regulations do not specify distance required from fence to property lines. The Township has been requesting applicants to install fence no closer than 6 inches from all property lines. The PC's feedback is needed whether a specific setback shall be set. The trend across the County for such setback is from 3 inches to 2 feet.
- Additionally, fences are permitted to be located on the property line as long as there is a written agreement between the adjacent property owners.

Fence Height

- Majority of local municipalities permit fences between 3 to 4 feet high within the front yard or setback areas. For side and rear yards and/or setback areas, fences no more than 6 feet in height are permitted within residential areas. For recreational facilities, solid fence of 10 feet is widely permitted.
- Consideration shall be given whether any changes to fence height requirements shall be made.

Types of Fence

Prohibited Fences

- Westtown does not have provisions addressing the use of barbed wire, electrified fence and/or fence made from other anti-trespass materials, for example, razor ribbon and glass shards. Several municipalities prohibit the use of chain link or stockdale fencing, while discouraging the use of plastic and vinyl materials, or permit their use in certain circumstances.
- Zoning regulations can either prohibit certain type of material in fencing or allowing it in specific zoning districts or as per the Zoning Officer approval in appropriate circumstances, for example, for security or keeping of domestic animals purposes.

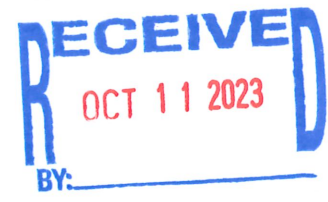
Temporary Fences

- Several municipalities adopted provisions pertaining to temporary fences (such as snow fences, expandable or collapsible fences), which are permitted only by special permission of the Zoning Officer during a construction project or the snow season.

- Westtown requires construction fencing to be installed around the stormwater management system and septic drain fields to protect these areas during construction activities. No permit is needed.

Deer Fence

- The use of fence for deer management on private property is limited. One municipality in Chester County adopted the language that *“fences surrounding sports courts or those used to control deer may be 12 feet high”*, but does not provide any specifics.
- One of the definitions used for deer and plant protection fence is *“any fence constructed for the purpose of controlling the movement of deer or the protection of plants”*. Such fence is permitted in the residential and agricultural districts as long as it meets the following requirements:
 - a) Deer and plant protection fencing shall be constructed of a monofilament material that is dark green, black, or brown in color or of a similar material with low visibility.
 - b) Low-visibility polypropylene fencing used to control deer may include metal hexagrid fencing products used for segments of perimeter or boundary control.
 - c) Fence posts shall be dark green, black, or brown in color or of a material that will provide minimal visual impact.
 - d) Deer and plant protection fencing shall not exceed a height of 10 feet.
 - e) Deer fencing shall not encircle an entire property perimeter. Deer fencing shall be set back from any property line by the distance required for accessory buildings.
 - f) Deer fencing shall be set back at least 20 feet from existing Township trails. Deer fencing shall not cross or close off existing Township trails.



Raman S Patel
811 E Sage Road
West Chester, PA 19382

October 11, 2023

TO: Liudmila Carter, Director of Planning & Zoning
Westtown Township
1039 Wilmington Pike, West Chester, PA 19382

Re: Proposed ordinance amendments - re: fences

It was a pleasure to attend the Planning Commission Meeting on October 4, 2023. One of the item on Agenda was the proposed ordinance amendments to fencing. As per the suggestion of the PC, I am providing my thoughts to clarity needed to existing fencing ordinance.

My input is based on safety and health of Westtown residents, as well as providing the simplicity of the language. I am using your September 27, 2023 letter to the PC as a baseline, and propose the changes in the original ordinance format as follows:

Note: Color blue is my suggestions. Items marked in red are questionable.

I will be glad to discuss this matter in-person with your office.

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§ 170-1505. Fences and walls

Fence or walls is a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, control access, or prevent escape.

[Amended 3-3-2003 by Ord. No. 2003-2; 2-6-2012 by Ord. No. 2012-1:
Amended 00-00-0000 by ord. No. 0000-00]


Need to make sure that this new Amendment is not in conflict with prior Amendments going back to year 2003. As the time passes by, additional amendment(s) may occur in the future. In order to avoid all future confusions as to what were the prior amendments, I suggest following language. > > >

This Amendment dated 00-00-0000 by order no. 0000-00, supersedes all prior Amendments.

- A. A permit is not required for a fence in the Township District.
- B. A permit is required for the installation of all other fences exceeding 40 feet in length and within the front, rear or side setback areas, except fences enclosing agricultural uses, or those constructed in conjunction with a permit for the installation of a swimming pool.

A plot plan locating the proposed fence shall be submitted with the permit application. The plot plan may be an informal sketch plan, not necessarily to exact scale, showing the property boundaries and accurately locating the proposed fence.

The property owner or contractor shall notify the PA One Call System before beginning construction of the fence.

- C. In a residential district ~~or a residential~~ or agricultural lot in another zoning district:
- (1) A fence located within the required front building setback area of any yard shall have a maximum height of five feet and shall have a ratio of open to structural areas of at least 1:1 (such as a split-rail or picket fence).
 - (2) A wall within the required front building setback area shall not exceed a height of three feet.
 - (3)  A fence or wall located within a minimum principal building setback area; other than the minimum front building setback, shall have a maximum height of six feet ~~(decorative post tops may extend above six feet)~~ :

A fence located outside of the building setback area in the side and rear yard, shall have minimum of 6" setback from the sides and back of the property line. Minimum front building setback shall be maintained.

- a. A "privacy Fence" with zero see-through visibility shall not exceed 5' height. Height up-to 8' is permitted only if the extended height above 5' have 80% see-through visibility.
- c. A "privacy Fence" for the purpose of managing children and pet movement, shall not exceed 5' height with at-least 50% see-through visibility.
- b. A "Deer Fence" to mitigate damage to plants and vegetable gardens and health risks from deer-ticks, can have maximum height of 8' with at-least 90% see-through visibility.

The Zoning Officer of the township may consider use of barbed wire if requested by the applicant, based on the severity of the damage to plants and vegetable garden and health risks.

Electrified fence and/or fence made from other anti-trespass materials, for example, razor ribbon and glass shards shall not be permitted.

d. A wall is not permitted on the sides and back of the building, unless it is a load-bearing structural retaining wall.

→ (4) ~~If one side of a fence is smoother or more finished than the other side of the fence, the smoother or more finished side shall face onto any abutting lot or public road. << this is meaningless.~~

eight

(5) A fence higher than ~~six~~ feet is permitted to enclose a recreation facility such as a tennis court if the fence is integral to the recreational use and complies with the required building setbacks applicable to the zoning district.

→ D. On any **nonresidential lot**, a fence or wall shall not exceed a height of five feet within the minimum front building setback area and eight feet in any other minimum principal building setback area.

E. Where landscaping is required as a buffer around a use, all fencing shall be located on the inside of the landscaping, except for fencing that is mostly open (such as split-rail or picket fencing) and is constructed of wood or materials with a similar appearance.

→ F. ~~This section shall not restrict retaining walls that are necessary to hold back slopes, nor walls of a building that are permitted by this chapter.~~

G. No fence or wall shall be constructed on a property within the existing or future right-of-way of a street, nor in any location that would obstruct a permanent easement.

H. Fences and their support materials shall be placed entirely within the boundaries of the property being fenced. If the fence is to be located on or near the property line and the property owner cannot demonstrate that the property line location is known and identified in the field, as well as on the permit plan, the Township may require a survey of the property.

I. The repair or replacement of any fence that currently exists as of the date of the adoption of this chapter shall not require a permit.

J. Regulations for fencing associated with wireless communications facilities are set forth in Article XXV, Wireless Communications Facilities, and those provisions are the applicable standards to apply to such fencing.

Memo

To: Westtown Township Planning Commission
From: Liudmila Carter, Director of Planning & Zoning
Date: September 29, 2023
Re: Proposed ordinance amendments re: outdoor burning

Back in June 2023, Gerry DiNunzio, Township Fire Marshal, has raised a concern with Chapter 63, Open Burning, regulations that in his opinion lacked details about the use of fire pits. He brought to everyone's attention the increasing popularity of outdoor fireplaces and fire pits with which the number of calls to the fire department has increased. As more residents use these fire burning devices for recreational purposes, it is crucial to ensure there is no adverse impact on public health and safety. Mr. DiNunzio proposed to modify current regulations to include the following definitions and applicable standards:

1. **RECREATIONAL FIRE** - An outdoor fire used to cook food for human consumption or entertainment purposes in a stationary or portable fire pit with or without a removable cover.
2. **FIRE PIT** - A fire pit or a fire hole can vary from a pit dug in the ground to an elaborate gas-burning structure of stone, brick, and metal. The defining feature of fire pits is that they are designed to contain fire and prevent it from spreading. The proposed requirements for fire pits are:
 - a. Fire must be contained within an enclosed fire pit, container, incinerator, fireplace, or grill;
 - b. Located at least 10 feet away from any building;
 - c. Continuous attendance.

Currently, the Township does not have provisions addressing fire pits. The purpose of Chapter 63 is to regulate outdoor burning of trash, domestic waste material, brush, grass or wood, leaves or commercial/industrial waste, and burning on public roads. The required setbacks for outdoor burning are included within these provisions based on the material subject to burning restrictions as summarized below:

Trash and domestic waste: completely enclosed container, incinerator, fireplace or grill; at least 10 feet from a building, attendance required. Note that Incinerators, fireplaces or grills which are constructed as part of a building and meet the requirements of the Township Building Code are excluded from the ten-foot requirement.

Brush, grass or wood: completely enclosed container, incinerator, fireplace or grill; open fire at least 15 feet from the building; cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it; attendance required; for large areas, adequate manpower and equipment are required.

Leaves or commercial/industrial waste: prohibited.

On public roads: prohibited upon or within 5 feet of a public road, curb or utility pole/equipment.

Additionally, there are general provisions within the Zoning Code, specifically 170-1520, pertaining to the vibration, odor, and dust and burning within the Township. The Township staff reviewed current outdoor burning regulations, recommendations provided by the Fire Marshal, explored

similar regulations in other local municipalities, and compiled a list of recommendations for the Planning Commission as noted below.

Definitions

- Revising the definition of recreational fire to include “fire pit” and specify permitted burning material (i.e., dried wood).
- Revising the definition of ceremonial fire to more widely used “bonfire”.
- Adding a definition section with potential terms: open fire, bonfire, campfire, outdoor fire appliance, patio wood burning unit, fire pits, and fire rings. The sample definitions utilized by other municipalities are displayed below:

BARBEQUE STRUCTURE - A commercially constructed grill or masonry constructed grill for the purposes of heating, cooking and preparing food for the purpose of consumption.

BONFIRE - An outdoor fire used for ceremonial purposes that has a total fuel area of five feet or less in diameter and three feet or less in height.

CAMPFIRE - A small outdoor fire that has a total fuel area of three feet or less in diameter and two feet or less in height, intended for recreation or cooking but not intended for disposal of waste wood or refuse.

CONTROL FIRE - A fire kindled for the purpose of recognized silviculture, range or wildlife management, or control of disease or pests.

CHIMINEA - A single-mouth-opening fireplace that has a chimney to fuel the fire with fresh air.

FIRE PIT - An aboveground or below-ground structure built into the ground or constructed of stones, masonry, brick or other noncombustible material for the purpose of containing and controlling a wood or charcoal fire.

INCINERATOR - A burn barrel or other similar enclosed woodburning container equipped with a spark- or ember-arresting device, which has a total fuel area of two feet or less in diameter and three feet or less in height (maximum capacity of 55 gallons).

OPEN BURNING - The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include smudge pots, road flares and similar devices associated with safety or occupational uses typically considered open flames or use of patio wood-burning units.

OPEN FIRE - A fire that is not contained within a fire pit, fire ring or other container, which has a total fuel area of six feet or less in diameter and three feet or less in height, wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

OUTDOOR FIRE APPLIANCE - Any aboveground structure constructed of concrete block, brick or other noncombustible material for the purpose of containing and controlling a wood or charcoal fire.

OUTDOOR FIRE PIT - Freestanding fireplaces or portable devices intended to contain and control outdoor fires, including fireplaces, chimeneas and fire pits, constructed of noncombustible materials such as steel, brick or masonry. An outdoor fire pit does not include charcoal- or gas-powered grills that are intended to be used for cooking purposes.

PATIO WOOD-BURNING UNIT - A chimenea or other similar screened, stacked, enclosed portable wood-burning device with a spark- or ember-arresting device used for outdoor recreation and/or heating.

RECREATIONAL FIRE - An outdoor fire burning materials other than rubbish, leaf or leaf waste where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area three feet (914 mm) or less in diameter and two feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

SMUDGE POT - A receptacle in which oil or another smoky fuel is burned to protect an orchard from insects or frost.

Standards

- Potential size limitations on fire containers for specific type of fires and provisions for handling of ashes and rubbish.
- Provisions for portable fireplaces versus stationary. Currently, there is no permit requirement for outdoor fire pits and/or fireplaces unless they are constructed as part of building addition or a patio.
- Additional requirements pertaining to fire pits, such as the hours of operation (i.e., 10 pm to be consistent with current noise ordinance), location within the yard, placement area materials, setbacks, any screening and lid type to enclose the fire. Considerations shall be given to distances from buildings, structures, trees and/or utilities.
- Regulations pertaining to bonfires, which might include size limitations, adequate setbacks, hours of operation, and attendance.
- Include requirement to have a portable fire extinguisher or garden hose available for immediate use or within immediate vicinity of any fire.
- Notification to the Fire Marshall shall be considered in certain cases, for example bonfires.
- Considerations of the Homeowners Association (HOAs) rules and regulations on the use of fire pits or any outdoor fire burning devices.
- Specifying restrictions on open burning within the Township-owned open spaces and parks.

Chapter 63

BURNING, OPEN

§ 63-1.	Outdoor burning restricted.	§ 63-5.	Burning on public roads.
§ 63-2.	Burning of trash and domestic waste material.	§ 63-6.	Permission required to burn on private property.
§ 63-3.	Burning of brush, grass or wood.	§ 63-7.	Fire ban due to drought.
§ 63-4.	Burning of leaves or commercial/industrial waste.	§ 63-8.	Authority to extinguish fires.
		§ 63-9.	Violations and penalties.

[HISTORY: Adopted by the Board of Supervisors of the Township of Westtown 5-17-1993 by Ord. No. 93-4. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Prevention Bureau — See Ch. 14.

Building Code — See Ch. 57, Art. II.

Brush, grass and weeds — See Ch. 54.

Fire prevention — See Ch. 87.

§ 63-1. Outdoor burning restricted.

Except for recreational and ceremonial fires, it shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the township, except between the hours of 8:00 a.m. and 4:00 p.m. A recreational fire is an outdoor fire which is used to cook food for human consumption. A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization.

§ 63-2. Burning of trash and domestic waste material.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the township, unless the fire is confined within a completely enclosed container, incinerator, fireplace or grill, at least 10 feet from a building and unless someone remains in attendance during the burning. Incinerators, fireplaces or grills which are constructed as part of a building and meet the requirements of the Township Building Code¹ are excluded from the ten-foot requirement. Perforations, openings or screening for venting, but prohibiting burning particles or ash from being discharged, are permitted.

§ 63-3. Burning of brush, grass or wood.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn brush, grass, wood or other materials outdoors anywhere within the township, unless the

1. Editor's Note: See Ch. 57, Building Construction, Article II, Building Code.

fire is confined within an enclosure which meets the requirements of § 63-2 above or if:

- A. An open fire is at least 15 feet from a building; and
- B. There is a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it; and
- C. There is someone in attendance; and
- D. In large areas such as fields or woods, in addition to Subsections A through C above, adequate manpower and equipment are available to prevent its spread.

§ 63-4. Burning of leaves or commercial/industrial waste.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves or commercial/industrial waste material outdoors anywhere within the township at any time.

§ 63-5. Burning on public roads.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

§ 63-6. Permission required to burn on private property.

It shall henceforth be unlawful to kindle a fire upon the land of another, without the permission of the owner thereof, which permission, except in the case of a family member or employee, shall be in writing.

§ 63-7. Fire ban due to drought.

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Board of Supervisors, or their authorized representative, in a time of drought.

§ 63-8. Authority to extinguish fires.

Any fire on public or private property may be extinguished by the local fire company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the Westtown Township Fire Marshal or a Westtown-East Goshen police officer, such fire constitutes a danger to persons or property.

§ 63-9. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this

chapter that is violated shall also constitute a separate offense.