



June 15, 2023

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

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

Dear Mr. Altshul:

This letter is in response to the June 17, 2023 Cedarville Engineering Group, LLC (CEG) review of the above referenced Plans by D.L. Howell and Associates, Inc.

Listed below are our responses to the concerns identified in their review of the plans. Also, enclosed for your review are copies of the updated plans. Where applicable, D. L. Howell & Associates, Inc. has addressed each of these comments indicating what action has been taken to resolve the issues. **Any comments that are statements and do not require any action have been omitted in the list of responses.**

**Zoning Comments**

1. A copy of the Title Report or applicable documentation shall be provided to clarify ownership rights (fee simple, easement) associated with the Buckeye Laurel Pipeline and Enterprise rights-of-way which cross the tract.

**Howell Response: A copy of the Enterprise pipeline easement is enclosed in this resubmission. However, the Township has no authority to interpret, apply or enforce private easement agreements, especially under the guise of a zoning ordinance.**

2. The following shall be addressed:
  - Prohibitive slopes exist directly to the north of Lot 22. A retaining wall is being proposed within Lot 22 and the adjacent open space to avoid Prohibitive Slope encroachment. The configuration of Lot 22 shall be revised so that the retaining wall is located completely within the Open Space, with ownership and maintenance being the responsibility of the Homeowners Association.  
**Howell Response: While our office disagrees that this is needed, the lot line for Lot 22 has been adjusted.**
  - A conveyance swale is proposed to the north of Lots 73-75, terminating at a proposed inlet and storm sewer located between Lots 72 and 73. Immediately downslope of this inlet, and upslope

of a proposed swale to the north of Lots 70-72, an area of Prohibitive Slopes exists where no conveyance swale is proposed. The applicant shall address how conveyance of upslope flow to the rear of Lot 72 will be conveyed away from the Lot, without the need for encroaching on the Prohibitive Steep Slopes.

**Howell Response: Grading has been updated to convey water into the inlet without encroaching on the prohibitive steep slopes.**

3. The applicant shall provide supporting information for the following lots, in tabular form, to demonstrate compliance with the above Ordinance criteria:  
Lot 16, Lot 22, Lot 27, Lot 65, Lot 71, Lot 72, Lot 73, Lot 74

**Howell Response: Section 170-402.D.(3)(f) applies to existing natural resources, therefore it has been applied only to the overall lot. It does not apply to the post construction subdivision or the proposed individual lots. Calculations are provided on the cover sheet showing that the amount of precautionary slopes do not exceed 25% of the overall lot area.**

4. The Zoning Officer shall provide confirmation that the transmission lines contained within the Buckeye/Laurel and Enterprise rights-of-way do not contain surface land uses.

**Howell Response: Pursuant to our field survey, there are no compressor stations, pumping stations, regulator stations, launcher/receive or other surface pipeline appurtenances located on this property.**

5. Acquisition of the referenced permits is appropriate at the time of Land Development application.

**Howell Response: Acknowledged. This will be handled during land development.**

6. A Plan shall be provided, showing the proposed lot and improvements layout, with agriculturally suited soils (GdB, GdC) shaded.

**Howell Response: The soils limits, including any agriculturally suited soils, are shown on both the existing conditions plan and grading utility plan. The soils listing on the plan notes any soils that are agriculturally suited. Please note that single family residential development is a use permitted in this zoning district and on this property, and it is not possible to develop this use on this property without placing structures and paving within areas of agriculturally suited soils. Single family home lots are allowed by zoning and are not considered an agriculture use.**

7. The Open Space Plan (sheet 6) shall be revised to clearly show improvements associated with active recreation areas, along with maintenance requirements associated with proposed passive open space areas.

**Howell Response: An area suitable for active recreation is provided on the open space plan. Detailed improvements for the active recreation areas are not required under the Ordinance. Maintenance notes for the open space areas have been added to the plan.**

8. The following shall be addressed:
  - A sixty (60) foot wide Buckeye/Laurel Pipeline right-of-way and a fifty (50) foot wide Enterprise right-of-way encompass portions of Open Space Open Space Areas B1, B2, and B3. The following shall be provided:

- The Township Solicitor shall determine whether the ownership and maintenance responsibilities associated with these rights-of-way can be transferred to the Homeowners Association, and therefore whether these areas can be applied to qualifying open space.
- If the Township determines that these areas can be applied to Open Space, correspondence shall be provided by Buckeye/Laurel Pipeline and Enterprise as to any requirements associated with their right-of-way, acknowledgement as to the proposed use of the Open Space, and acknowledgement that maintenance will be the responsibility of the Homeowners Association.

**Howell Response: As the property owner, the Applicant is entitled to use the land above the pipelines to the extent such use does not interfere with the pipeline use. As such, the Applicant has the right to include the land as passive Open Space. The Township Zoning Ordinance does not have any applicable objective provisions to the contrary and the Township may not just fabricate such a provision through ad hoc interpretations.**

- Per the Stormwater Management Calculations, the above ground portion of the stormwater management facilities shall be used to manage and comply with the Stormwater Peak Rate Control Requirements, Section 144-308 of the Township's Stormwater Management Ordinance. The above ground portion of these facilities shall therefore not be considered accessory to the infiltration facility, unless the infiltration facility is designed to accommodate the appropriate volume required to comply with the referenced Ordinance section.

**Howell Response: The above ground portion of the stormwater facilities are accessory to the infiltration as they are necessary to detain stormwater prior to infiltration over the required period of time. Without the above ground portion of the stormwater facilities, the required amount of infiltration could not occur as the stormwater would sheet flow off of the property.**

- The following information shall be shown on the Open Space Plan to demonstrate compliance (1/2 acre or more and minimum 75-foot width) with the above referenced criteria, in the following areas:
  - The area of the portion of Open Space B2 adjacent to Roads A and C, and Lots 32 and 33, to the north of the cross hatched area behind Lots 28-32.  
**Howell Response: This area has been dimensioned to show 75' in width. The area referenced in the comment is clearly contiguous to acres and acres of open space, therefore complying with Section 170-907.A(7)(a).**
  - The width of the portion of Open Space B2, to the east of Lot 34, south of the cross hatched area and north of the area shaded as "Area Suitable for Active Recreation".  
**Howell Response: Our office is unaware of an area east of Lot 34 that matches up with what is described in the comment?**
  - The widths of Open Space areas B4 and B6, adjacent to Shiloh Road, shall be dimensioned to demonstrate compliance.  
**Howell Response: These areas have been dimensioned on the plan [75'].**
- The portion of "Required Minimum Common Open Space" located along the north side of Road B shall be excluded from qualifying open space.

**Howell Response: Our office is unaware of Open Space located on the north side of Road B. If this should have referenced Road D, this area has been correctly labeled as Open Space 4 and is ½ acre in size, and can be counted towards qualifying open space.**

9. Bonus density calculations shall be revised to exclude the applicable areas as referenced in comment #8 above.

**Howell Response: There is no need to adjust the bonus density calculations per the comments above.**

10. The following shall be addressed:

- The “Change in Runoff Volume for 2-Yr Storm Event” worksheet on page 9 of 270 within the report shall be revised as follows:
  - To include all areas of woods as woodland.
  - To revise the proposed meadow condition to lawn.

**Howell Response: Areas of woodland have been incorporated into the spreadsheet. The meadow condition has been changed to lawn.**

- The following shall be provided to support the preliminary stormwater volume controls:
  - BMP details for each proposed BMP with outlet structures.

**Howell Response: Pursuant to Section § 170-2009B(3)(d), a Conditional Use application shall include sufficient information, e.g., preliminary site grading and road profiles, preliminary stormwater management analysis, etc., to preliminarily determine compliance with the Township natural feature, site analysis, conservation design process and density requirements. Detailed grading plans, stormwater calculations, profiles and similar engineering details are not required to be submitted until a preliminary or final plan application is made under Chap. 149, Subdivision and Land Development. The specific details are beyond the scope of the Conditional Use Application requirements and will be provided during Subdivision and Land development. The hydrograph report in the preliminary SWM report provide sufficient stage storage and outlet structure information to support the preliminary volume controls.**
  - Basin 2 Infiltration Volume Calculations (17/270) within the report shall be verified and revised as it notes only 3,956 CF of volume while the Structural BMP Volume Credits for DP2 (13/270) notes 33,072 CF of volume.

**Howell Response: The typographical error on the Basin 2 Volume Calculation worksheet has been corrected to match the 33,072 CF.**
  - Basin 4 Infiltration Volume Calculations (19/270) within the report shall be verified and revised to have a permanent storage volume consistent with the lowest outflow elevation of the Pond Report for Basin 4 (68/270).

**Howell Response: The report calculations have been revised to be consistent.**

11. The plans shall clearly indicate if the applicant intends to phase the development. If phasing is to be proposed, the applicable phasing shall be shown on the plan.

**Howell Response: There is no intent to phase the development at this time.**

12. The Township Planning Commission and Board of Supervisors shall evaluate the need for sidewalks on both sides of Roads A, C, and D. Based upon the density and lot locations proposed, CEG recommends providing sidewalks on both sides of these roads.

**Howell Response: No response needed.**

13. The distance between the proposed dwelling on Lot 14 and the proposed pump station shall be dimensioned to demonstrate compliance with the above referenced Ordinance section.

**Howell Response: Please note there is no intention to have a Pump Station building (structure) adjacent to Lot 14. The pump station is planned to consist of a wet well, valve vault, backup generator, and an electric enclosure with control panel, therefore we don't believe this comment to be applicable.**

14. The soils legend on sheet 7 shall be revised to indicate which soils have a seasonally high water table.

**Howell Response: This has been added as requested.**

15. Conveyance swales and storm sewer not located within right-of-way to be dedicated to Westtown Township will be the responsibility of the Homeowners Association. A minimum, twenty (20) foot wide easement or ten (10) feet to a single side shall be provided for the following conveyance swales:

- Conveyance swale in the rear yards of Lots 1-12, conveying flow to Basin \*1.
- Conveyance swale in the rear of Lots 15-22, conveying flow to the inlet located on the property line of Lot 21 and 22.
- Storm sewer run from the inlet on the Lot 21/22 property line to the right-of-way of Road A.
- Storm sewer run along the Lot 13/14 property line.
- Conveyance swale in the rear yards of Lots 23-27, conveying flow to Basin \*2.
- Storm sewer within the rear yard of Lots 23-26.
- Conveyance swale in the rear yards of Lots 28-33.
- Storm sewer run within Lot 58.
- Storm sewer run along the Lot 37/38 property line.
- Conveyance swale within the rear yard of Lots 58-64, conveying flow to the inlet within Lot 58.
- Conveyance swale within the rear yard of Lots 53-57.
- Conveyance swale within the rear yard of Lots 40-52, conveying flow to Basin \*3.
- Storm sewer run within the rear yard of Lots 72-74 (lines shown, shall be labeled).
- Conveyance swale within the rear of Lots 68-76.
- Storm sewer run along the Lot 68/69 property line (line shown, shall be labeled).
- Storm sewer run along the Lot 68 property line abutting Open Space.

The following shall be addressed:

- Lot areas shall be revised to exclude the above referenced easements.
- The locations of the proposed dwellings shall be modified as applicable to not encroach within the referenced easements.

**Howell Response: This comment is not applicable to Conditional Use. Also, it is our opinion that since the definition of Lot area states, "For purposes of compliance with minimum lot area requirements, the following shall be excluded: C. Any area within a permanent drainage easement", this would not be applicable to this subdivision since there are no minimum lot area requirements for single family detached dwellings required under the Flexible Development Procedure.**

16. The following shall be addressed:

- The length of the cul-de-sac, from the Road A intersection with Road B, to the end of the northern portion of Road C, exceeds the maximum length required per the above referenced Ordinance. The length of the northern portion of Road C shall be decreased to comply with this requirement.

- If it is the applicant's intent to provide a connection from the proposed northern cul-de-sac bulb of Road C to existing Shiloh Hill Road, the applicant shall provide supporting information demonstrating that the Shiloh Hill Road right-of-way currently extends to the northern tract boundary of the subject tract.
- If the above can be adequately demonstrated, the applicant will be required to complete the roadway extension between Road C and Shiloh Road. Supporting information shall be provided to demonstrate that this connection complies with the horizontal and vertical geometry criteria set forth in Sections 149-905 and 149-906 of the Subdivision and Land Development Ordinance.

**Howell Response: Section 170-201 defines "cul-de-sac" as "a local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround". Road C intersects Road A at one end and terminates with a permanent vehicular turnaround at two ends, thereby creating two cul-de-sacs having a length of 1,210 linear feet and the other having a length of 411 linear feet. However, even if measured as noted in the comment from the intersection of Road A & B, the length from the radius of the northern cul-de-sac of Road C to the edge of curblineline to the closest street, our office measures the length as 1,487 LF, therefore still compliant.**

17. The following shall be addressed:

- Dimensions shall be provided on the "Typical Single-Family Detached Lot" to demonstrate that the minimum parking stall dimensions set forth in Section 170-172 can be accommodated without a vehicle encroaching into the roadway right-of-way.
- The applicant shall address whether on-street parking is to be proposed and the limitation associated with on-street parking.

**Howell Response: The garages have been situated generally one (1) foot behind the setback to allow an 18' foot deep parking space in the driveway. This is now dimensioned on the typical single family layout. With regards to on-street parking, each dwelling will have four (4) parking spaces, two (2) in the garage and two in the driveway, which exceeds the required three (3) spaces per dwelling unit. With a 24' wide cartway, typically parking would be prohibited on-street, and would be posted as such.**

18. The following shall be addressed:

- Lighting shall be revised on the cul-de-sac bulb at the northern portion of Road C (sheet 32) to reduce footcandles to 0.1 at a maximum.
- A note shall be added to sheet 34 specifying if the street lighting is proposed after 11 PM. No other lights shall be permitted after 11 PM.
- The credentials of the outdoor lighting consultant shall be provided to the Township.

**Howell Response: Lighting has been revised at the northern cul-de-sac to maintain 0.1 footcandles or less at the property line. Additionally, a note has been added to sheet 34 as requested and the lighting consultant credentials added to the lighting plans as well.**

19. Demonstration of compliance with the requirements set forth in Section 149-925 and the above referenced Ordinance section is appropriate at the time of Land Development Plan application.

**Howell Response: No plan revision necessary. A landscaping plan has been provided as part of the conditional use application however, we understand this will be handled during land development.**

20. The applicant shall clearly note the areas proposed for active recreation and the improvements to be provided as part of these areas, subject to the approval of the Township Planning Commission and Board of Supervisors.

**Howell Response: An area suitable for active recreation is provided on the open space plan. Detailed improvements for the active recreation areas are not required under the Ordinance. Maintenance notes for the open space areas have been added to the plan.**

**General Comments**

21. On Sheet 6, Open Space 4 is not labeled.

**Howell Response: Open Space 4 is now labeled.**

I trust that all comments have been addressed adequately. Please do not hesitate to contact me at 610-918-9002 with any questions.

Sincerely,  
D.L. HOWELL & ASSOCIATES, INC.



Denny L. Howell, PE  
President



David W. Gibbons, PE  
Senior Engineer