



June 15, 2023

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

**RE: Stokes Estate Flexible Residential Development – 927 Shiloh Road, 1007 Shiloh Road, 1011 Shiloh Road, and 1013 Shiloh Road
Conditional Use Application**

Dear Mr. Altshul:

This letter is in response to Ms. Carter’s May 19, 2023 completeness review of the above-referenced conditional use application. Please note that your May 19, 2023 completeness review was beyond the scope of administrative completeness. Many of the comments are substantive in nature.

Notwithstanding, 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, Howell Engineering 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.**

1. Applicant shall address all below-mentioned items as they relate to providing sufficient information to determine compliance with this requirement.

Howell Response: All below mentioned comments have been addressed.

2. Applicant shall provide a narrative and/or plan notes addressing this requirement.

Howell Response: Section 170-2009.B.(6) is not a requirement but rather only requires “strong consideration” to incorporating LEED certified building designs, which is beyond the scope of conditional use under Pennsylvania law.

Conservation Design (§170-1617)

3. Applicant is recommended to limit legend items to those depicted on the plans for clarity purposes.

Howell Response: Per the request, the legend has been stripped down to be more representative of what is shown on the plans.

4. Conservation Design Plan is lacking such detail.

Howell Response: Wetlands have been delineated and area shown accurately on the Conservation Plans and the Conditional Use Plans. A note is already provided on the Conditional Use Plans and has been copied to the Conservation Plans as requested.

5. Conservation Design Plan is lacking such detail.

Howell Response: Floodplain limits are shown accurately on the Conservation Plans and the Conditional Use Plans pursuant to official FEMA mapping. A note is already provided on the Conditional Use Plans, and has been copied to the Conservation Plans as requested.

6. Conservation Design Plan does not depict clear boundaries of woodlands and tree lines, location of large specimen trees over 18 inches in trunk diameter, and scenic views from inside the site and existing streets and trails. The precise delineation of primary and secondary conservation areas is important to determine whether the application meets the requirements of §170-1617.C(2) pertaining to limitations on intrusion of land development activities and associated land disturbance into such areas. Applicant shall incorporate details of above-noted secondary conservation areas into the Conservation Design Plan map and calculations table and adjust relevant plan sheets appropriately.

Howell Response: All applicable secondary conservation areas including woodland lines, tree lines and specific large surveyed trees are now labeled on the Existing Resources and Site Analysis Map. As determined by the Chester County Court, the scenic views preservation requirement under the Ordinance is unenforceable. There is a calculation provided verifying less than 50% disturbance to the secondary conservation areas. Any disturbance of primary conservation areas is pursuant to permitted and development related disturbances per the Ordinance.

7. Conditional Use Plan set includes locations and descriptions of existing buildings, but does not provide a description of any historic architectural significance for historic resources located at 1013 Shiloh Road and 927 Shiloh Road, which have been identified and mapped by the Township's Historical Commission as sites of local historic value. Applicant shall provide such descriptions in the written narrative and/or plan notes.

Howell Response: Letters from the PHMC responding to the Applicant's Historic Consultant, Bob Wise, is included in the resubmission. The letters also includes Mr. Wise's reports on the Miles House and Briner House and the commitment letter for the Stokes dwelling.

8. Conservation Design Plan displays several pockets of open space within the tract area that are not fully interconnected and limited by proposed building lots and roadways. Applicant shall revise the plan to ensure open space interconnectivity.

Howell Response: The internal proposed development sidewalks and trails provide interconnectivity between the open space areas throughout the community.

9. Conservation Design Plan shall include calculations verifying that proposed land development activity and associated land disturbance is not within more than 50% of secondary conservation areas. Applicant shall provide such calculations, which will also address comment #6.

Howell Response: A full chart tabulating primary and secondary conservation areas and their associated disturbance amount is now provided on the Conservation Plan sheet 02 of 02. It confirms compliance with this section.

10. Applicant shall include such analysis to show compliance with the requirement and to supplement the provided plan set.

Howell Response: The Conservation Plan provides this information in written and graphic format. No additional narrative is required.

Density Standards (§170-904)

11. Applicant shall provide a written narrative detailing justification for minimum required open space and bonus open space calculations and supplement that with a site plan showing all primary and secondary conservation areas, designated common open space areas and recreational areas.

Howell Response: The Conditional Use Plans provided provide an Open Space Plan and associated tables/calculations demonstrating compliance with the bonus density standards. The ordinance section does not require a written narrative, as it states “the applicant shall submit plan(s), narrative, and graphic materials as necessary to adequately demonstrate compliance.” The Plans sufficiently demonstrate compliance.

12. Conditional Use Plan set provides a table with calculations (sheet 6) for required minimum common open space and bonus open space with specific exclusions, however, the table does not address proposed impervious surface for trails and potential impervious surface associated with future recreational areas.

Howell Response: There are currently no proposed impervious surfaces proposed with the active recreation. Due to the location of the trails within and adjacent to natural sensitive areas, ie wetlands, woodlands, slopes, etc., naturalized trails are being proposed.

13. Applicant shall provide written narrative and/or graphic analysis addressing this requirement.

Howell Response: Section 170-904A(3)(b) requiring protection of scenic views and historical landscapes is not enforceable since it is not related to any objective criteria. In addition, the Chester County Court already determined this provision to be unenforceable.

14. Conditional Use Site Plan set does not show calculations for common open space right-of-ways of public streets. Several building lots will have small yard areas preventing property owners to construct additional improvements, such as patios, decks and sheds, which will unlikely meet the existing setback requirements.

Howell Response: A calculation is provided on Sheet C01.1, providing for a net residential density of 3.3 dwelling units per acre which does not exceed the maximum allowed of 4.0 DU/Acre.

15. Landscaping provides a visual buffer between the higher-density housing of the proposed development and neighboring areas of lower-density residential housing. Proposed lots 1-8 depicted on the Conditional Use Plan set are encumbered by the 50 foot tract boundary setback, which would

greatly limit the yard use and future improvements. Applicant shall reconsider the general layout of these lots to allow for greater setback to accommodate future improvements.

Howell Response: The Applicant is satisfied with the available lot areas and the ability to construct decks and patios.

Design Standards (§170-905)

16. Applicant shall indicate the historic resources and their classifications as designated by the Historical Commission on the Westtown Township Historic Resources Map, scenic views as per §170-1617.C(1)(c) and all lands visible from any adjacent public road on the site analysis plan.

Howell Response: A photo exhibit is included in the resubmission documenting lands visible from adjacent public roads. Additionally, a general note is provided on the cover sheet that notes the site is classified as “2 – of Local historic value” on the township historic resources map. As stated above, correspondence from the PHMC and the Applicant’s Historic Consultant is provide in the resubmission.

17. Applicant shall provide a written narrative and/or plan notes to indicate compliance with the requirement.

Howell Response: General Note 29 on sheet C01.1 now states, “the limits of disturbance shall be staked in the field prior to clearing of any earth disturbance. Any change or encroachment onto these areas without conservation district review and approval may require the contractor to cease disturbance and obtain an earth disturbance permit. Install tree protection fencing around perimeter of trees where limit of disturbance abuts woodlands.

Development Impact Study (§170-906)

18. Township staff recommends such impact study to be prepared and submitted to the Township by the applicant to demonstrate the extent of impacts of the proposed flexible development on elements as described above.

Howell Response: The Application already includes all information related to a development impact study including: traffic impact (Traffic Impact Study), sewer/water utility impact (Will Serve Letters) and existing natural resources impact (Conservation Design Plan)

Open Space Standards (§170-907)

19. Referenced table is located on drawing no. C01.6 (sheet 6).

Howell Response: This notation typographical error has been corrected.

20. Applicant shall ensure consistency between the items in the table and map labels.

Howell Response: Open Space #4 is now properly labeled. Furthermore, the Open Space Parcel is now also noted as Lot 27 in the table, which is the large lot associated with the existing historic dwelling.

21. Applicant shall provide a written narrative addressing this requirement.

Howell Response: The “to the satisfaction of the Board” standard under Section 907.A.(1) is subjective, and therefore, not applicable. Conditional use plans are not required to be consistent with comprehensive plans under Pennsylvania law.

22. Conditional Use Plan Set (sheet 6) displays an area totaling 6.61 acres as suitable for active recreation, however, no details are provided on how this area will be used, maintained and/or accessed for recreational purposes. Applicant shall provide additional details on the plan set and/or in a written narrative.

Howell Response: Section 170-907.A.(2) does not require the Applicant to design the active recreational areas. Rather, the Applicant just has to set aside an area that may be suitable. The area set aside is suitable for active recreation.

23. Preliminary Stormwater Management Report includes the following permanent BMPs proposed for the developed site area: vegetated swales, infiltration basins/beds, forebays and level spreaders. Applicant shall verify with the Township engineer whether these BMPs shall be excluded from the minimum required open space calculations.

Howell Response: Section 170-907.A.(5).(e) permits areas used for subsurface infiltration of stormwater, including open areas or settling ponds accessory to infiltration, to be included in open space. The infiltration basin/beds, and associated forebays and level spreaders are either used for subsurface infiltration or are accessory to infiltration. Vegetated swales within the open space areas have been excluded from the qualifying open space calculation.

24. Conditional Use Plan does not provide detailed information to show compliance with this requirement. Applicant shall note appropriate access details and sufficient perimeter parking for common open space areas on the plan set. If appropriate, table with calculations for common open space areas shall be revised to reflect any changes.

Howell Response: Section 170-907.A.(7) only requires perimeter parking “when necessary”. As the proposed open space will only be used by the proposed residential community and is connected by sidewalks and trails, no perimeter parking is needed.

25. Conditional Use Plan set (sheet 36) notes that historic home open space parcel is included as part of the required minimum common open space; however, the parcel includes a house.

Howell Response: As the Applicant is not seeking any bonus density with the historic preservation, the lot area has been reduced and not included in the open space, therefore this comment is no longer applicable.

26. Conditional Use Plan set does not address the retaining of natural cover and/or wooded areas nor it provides any details on the maintenance costs. Applicant shall provide additional information on the plan notes and address the retention of specific areas.

Howell Response: The open space plan labels the areas of open space which remain outside of infiltrating SWM areas, to either be “natural” meadow or wooded area. Additionally, a landscape

plan is provided which has been designed to meet township landscape requirements, therefore minimizing maintenance costs as much as possible.

Historic Preservation (§170-2400)

27. We highly encourage the applicant to grant permission to the Historical Commission to photograph and document all historic structures existing on the lot prior to demolition.

Howell Response: The applicant does not have any objection to this request. It can be further discussed during the conditional use and land development process with the Board.

I trust that all of their 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