



# WESTTOWN TOWNSHIP

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May 19, 2023

*VIA EMAIL*

Gregg I. Adelman, Esq.  
Kaplin Stewart Attorneys at Law  
Union Meeting Corporate Center  
910 Harvest Drive, Suite 200  
Blue Bell, PA 19422

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

Dear Mr. Adelman:

The Township is in receipt of a conditional use application for the properties located at 927 Shiloh Road, 1007 Shiloh Road, 1011 Shiloh Road, and 1013 Shiloh Road, known as the “Stokes Estate”, submitted by the applicant, Fox Clearing, LLC on May 3, 2023. The application is to construct a residential development consisting of 85 single-family detached homes pursuant to the Flexible Development Procedure. The properties, with tax ID #s 67-2-7.1, 67-2-8, 67-2-9, and 67-2-13, are 80.886 acres combined and are zoned R-1 Residential. The properties, with tax ID #s 67-2-9 and 67-2-23 are included on the Westtown Township Historic Resources Map. The applicant is proposing to preserve a total of 47.60 acres of open space on the property, some of which is constrained by steep slopes, wetlands, and areas within the 100-year floodplain, as well as multiple stormwater management facilities. A two-branch pipeline easement also runs east/west through the property. The property has frontage along Shiloh Road, and the proposed development would include two roadway connections to Shiloh Road at the intersections with Oakbourne Road and Hunt Drive. The applicant is proposing the use of public water and public sewer.

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

1. Amended Conditional Use Application and application fees, dated May 4, 2023;
2. Amended Conditional Use Application Addendum with Exhibits A through F, dated May 4, 2023:
  - A. Property deed for 67-2-23 and redacted agreements of sale for 67-2-8, 67-2-9 and 67-2-7.1
  - B. Conditional Use Plan Set (sheets 1-37) prepared by DL Howell & Associates, dated April 14, 2023;
  - C. Aqua America will-serve letter, dated April 12, 2023;

- D. Sanitary sewer capacity letter from Westtown Township, dated April 13, 2023
  - E. Traffic Impact Study and Crash Analysis dated May 2021, last revised April 2023;
  - F. Template for the future homeowners' association declaration.
3. Elevation Renderings;
  4. Conservation Design Plan (sheets 1-2) prepared by DL Howell & Associates, dated April 14, 2023;
  5. Preliminary Stormwater Management Report prepared by DL Howell & Associates, dated March 17, 2023.

Pursuant to the standards for conditional use applications articulated in the Township Zoning Code §170-2009, **the Township considers the application generally complete**, but requests additional information to address deficiencies, to provide clarification on calculations for open space and bonus density to demonstrate intent and compliance to the Planning Commission and the Board of Supervisors.

1. §170-2009.B(3)(d) requires the application to 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 (if applicable) and density requirements.

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

2. §170-2009.B(6) requires in addition to demonstrating compliance with all standards applicable to the conditional use being requested, the site plan to show the applicant's intentions with regard to strong consideration shall be given to incorporation of LEED (Leadership in Energy and Environmental Design) certified building design principals recommended by the US Green Building Council.

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

#### Conservation Design (§170-1617)

3. Legend items included on the left side of sheets 1 and 2 of the Conservation Design Plan are not depicted on the plans.

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

4. §170-1617.C(1)(a) requires that the wetlands shall be based upon a professional analysis, with identification of the individual who completed such analysis in accordance with § 170-401B of this chapter.

**Conservation Design Plan is lacking such detail.**

5. §170-1617.C(1)(b) requires that the delineation of one-hundred-year floodplains shall be based upon official floodplain mapping or a more accurate professional analysis in accordance with § 170-401C of this chapter.

**Conservation Design Plan is lacking such detail.**

6. §170-1617.C(1)(c) requires that other important existing resources on the site shall be added to the map, including woodlands, tree lines, large specimen trees over 18 inches in trunk diameter, scenic views from inside the site, ridgelines, and scenic views from existing streets and trails. These resources are known as "secondary conservation areas."

**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.**

7. §170-1617.C(1)(c)[1]-[5] further provides for additional items to be included on the map, or an accompanying map, including locations and descriptions of existing buildings, with a description of any historic architectural significance of each, if any.

**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.**

8. §170-1617.C(1)(d) requires the open space areas to be interconnected.

**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.**

9. §170-1617.C(2) requires that potential development areas shall not include any primary conservation areas, except that minor intrusion into primary conservation areas for land development purposes may be permitted where otherwise permitted in accordance with Article IV of this chapter [Natural Features Protection] or to provide for regulated activities permitted by the Commonwealth, i.e., permitted stream or wetland crossing or other encroachment. Potential development areas also shall be delineated so as to minimize intrusion into secondary conservation areas. Land development activities and associated land disturbance shall not be permitted within more than 50% of secondary conservation areas, except where this standard is modified at the discretion of the Board of Supervisors as a condition of preliminary or final subdivision/land development plan approval or conditional use approval as applicable. In consideration of modification of this standard, the Board shall consider the nature of the intended land use and the anticipated scope of land disturbance normally associated with such use, as well as any planning or design measures proposed by the applicant to mitigate any environmental, aesthetic, or other community impacts resulting from land disturbance within secondary conservation areas.

**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.**

10. §170-1617.C(3)(b) requires the applicant to provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties. This may involve an overlay map that shows important natural features and proposed development.

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

Density Standards (§170-904)

11. §170-904.A(3) requires that in addition to all other applicable standards of this chapter, conditional use approval for any flexible development utilizing bonus density in accordance with §170-904A(2) shall be subject to compliance with the following standards and criteria unless modified at the discretion of the Board of Supervisors; the applicant shall submit plan(s), narrative and graphic material(s) as necessary to adequately demonstrate compliance with these standards.

**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.**

12. §170-904.A(3)(a)[2] requires all open space used incrementally toward calculation of bonus density as provided in § 170-904A(2)(a) shall, in addition to full compliance with all other applicable standards herein, fully exclude from calculation of open space area any existing or proposed impervious surfaces, stormwater management facilities, wetlands, water bodies, watercourses, prohibitive slope (including created slopes exceeding 25%), and any lands subject to floodplain regulations.

**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.**

13. §170-904.A(3)(b) requires that historical landscapes and scenic views within or across any tract subject to flexible development shall be protected to the greatest extent practicable, and introduced landscaping, utilizing predominantly native vegetation and replicating landscape features characteristic to Westtown and its environs, shall be used to mitigate scenic impacts of development from public roads and neighboring residential properties where such views shall be altered by proposed development, grading, or other improvements necessary to accommodate proposed development.

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

14. §170-904.E(1) requires sufficient yard areas to be set aside and designated on the plan for single-family detached dwellings, so that on an average throughout the development the maximum net residential density for single-family detached housing areas shall not exceed four units per acre of tract area designated for such use and the acreage set aside for common open space right-of-ways of public streets shall not be used for computation of net residential density for any residential use.

**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.**

15. §170-904.E(11) requires that single-family detached dwellings, and uses accessory thereto, shall be a minimum of 50 feet, and all other structures shall be a minimum of 100 feet, from the property lines of the tract. Landscaping shall be required in these boundaries, regardless of the use being proposed.

**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.**

#### Design Standards (§170-905)

16. §170-905(1) requires a site analysis to include various items, including but not limited to historic resources, including structures, ruins, sites, traces, and relationship to the bounds of any National Register historic district; scenic views; and all lands visible from any adjacent public road. Visibility shall be measured as viewed from a height of four feet above the surface of the road looking in any direction or angle across the subject property, and shall be based on winter conditions (whether actual or estimated at the time of inventory) when existing vegetation offers the least obstruction of view. Areas predominantly obscured from view may be excluded from inventory of visible lands subject to Township approval.

**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.**

17. §170-905(2) requires that the applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction.

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

#### Development Impact Study (§170-906)

18. §170-906.D authorizes the Township to require the applicant to submit a development impact study which considers the impact of the proposed flexible development on natural and cultural resources, including all items identified in the site analysis submitted in accordance with § 170-905A(1); traffic volume and safety; and the provision of municipal services and the burden on taxpayers in making provision thereof, including, but not limited to, sewers, water, fire safety and police.

**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.**

#### Open Space Standards (§170-907)

19. Conditional Use Plan set (sheet 1) provides a reference to open space calculations found on drawing no. C01.5 (sheet 5).

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

20. Open Space #4 referenced in the table on the Conditional Use Plan set (sheet 6) is not depicted on the plan. Furthermore, Conditional Use Plan set (sheet 36) references "O.S. Parcel" in the table which is not indicated on the plan.

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

21. §170-907.A(1) requires that the open space shall be laid out to the satisfaction of the Board in accordance with the best principles of site design, and shall be consistent with

the intent of the Township's Comprehensive Plan and Parks, Recreation and Open Space Plan.

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

22. §170-907.A(2) requires that within the acreage of open space or elsewhere on the tract, an area equivalent to at least 10% of the net tract acreage shall be suitable and available to serve the particular recreational needs of the residents of the development. §170-907.A(5)(c) further requires recreation area to be designated for a specific recreational use, including by way of example tennis, swimming, playfields, and totlots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.

**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.**

23. §170-907.A(5)(e) requires that the plan shall designate areas used for subsurface infiltration or land application (irrigation) of stormwater and/or treated wastewater. Open storage or settling ponds may be included where accessory to infiltration facilities. All other stormwater and wastewater facilities may be physically located in open space areas but shall be excluded from measurement of the minimum required open space.

**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.**

24. §170-907.A(7)(c) requires, as deemed appropriate by the Board, that areas of common open space shall be provided with sufficient perimeter parking when necessary, and with safe and convenient access from adjoining public road frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements. Areas required for parking may be included in calculating the minimum acreage required for open space.

**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.**

25. §170-907.A(7)(e) requires common open space to be free of all structures, except those related to outdoor recreational use.

**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.**

26. §170-907.A(7)(f) requires common open space areas to be suitably landscaped by retaining existing natural cover and wooded areas and/or by a landscaping plan which is consistent with the purposes of this article and which minimizes maintenance costs.

**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.**

Historic Preservation (§170-2400)

27. Township understands that it is the applicant's intent to demolish several existing structures on the lot. The properties with tax ID #s 67-2-23 and 67-2-9 are included in the Historic Resources Map as sites of local historic value. The Historic Commission has the opportunity to work with the property owner to document the property prior to the issuance of any demolition permit per the standards of Article XXIV in the Township Zoning Code.

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

Please address items as applicable listed above. If you have any further questions, please feel free to contact me.

Thank you,



Liudmila Carter  
Director of Planning & Zoning

Cc: Jon Altshul – Westtown Township Manager  
Patrick McKenna, Esq. – Westtown Township Solicitor  
Bill Briegel – Applicant (Fox Clearing, LLC)