



September 8, 2022

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

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

Dear Mr. Altshul,

As requested, Cedarville Engineering Group, LLC (CEG) has completed a review of the Conditional Use Application for Stokes Estate. The site (UPI#s 67-2-23, 67-2-8, 67-2-9, and 67-2-7.1) comprising of roughly 81 acres, is located on the eastern side of Shiloh Road in the R-1 Residential Zoning District of Westtown Township. The project includes: the demolition of existing structures, the construction of a Residential Subdivision consisting of 85 single family homes, a roadway, public sewer, drainage systems and infiltration BMPs to manage the increased impervious coverage. The applicant is proposing to develop the referenced parcel under Article IX of the Westtown Township Zoning Ordinance, Flexible Design Procedure. This procedure is subject to approval as a Conditional Use, per Section 170-902.A of the Westtown Township Zoning Ordinance.

The following information was received by our office on August 23, 2023:

- A. Full Size Conditional Use Overall Site Plan, sheets 12-16 of 38, prepared by DL Howell and Associates, Inc, one sheet, dated April 14, 2023, last revised August 18, 2023.
- B. Response letter dated August 22, 2023, prepared by DL Howell and Associates Inc., to comment 3 contained in CEG review letter dated June 30, 2023.

***CEG has reviewed the above referenced items as they pertain to Comment #3 of CEG's June 30<sup>th</sup>, 2023, Review Letter only. The above referenced plans show a new lot layout to accommodate a reduction of prohibitive slopes on individual lots. Upon receipt of a full plan set, compliance with Chapter 170 - Zoning Ordinance and Chapter 149 - Subdivision and Land Development Ordinance, as applicable to the Conditional Use Application may be confirmed.***

The following comments are offered for your consideration.

**ZONING COMMENTS (WESTTOWN TOWNSHIP CODE, CHAPTER 170, ZONING):**

1. *Section 170-901.A – Applicability of flexible development procedure. For purposes of this article, the flexible development procedure is defined as applying to: Land under single ownership, planned and development as a whole.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: This comment has been satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

2. *Section 170-902.C.(2) – The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences. Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.*

*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 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.*

*Section 170-402.D.(2)(a) – Parks and outdoor recreational uses, consistent with the goal of watershed protection.*

*Section 170-402.D.(2)(b) – Logging and woodcutting, where such activity is limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.*

*Section 170-402.D.(2)(c) – Grading for the minimum portion of a driveway necessary to access a sing-family swelling when it can be demonstrated that no other routing which avoids slopes exceeding 20% is feasible.*

*Section 170-402.D.(2)(d) – Yard area of any permitted building, so long as such building is itself not within the prohibitive slope area. The yard area may not be disturbed by grading clearing.*

June 6, 2023 Comment: 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.
- 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.

June 30, 2023 Comment: The following shall be addressed:

- Retaining walls have been proposed in the following locations:
  - Along the rear of Lot 64 and 67
  - Along Lot 83, Lot 84, and the Open Space
  - Along Lot 6, Lot 7, and the Open Space
  - Along Lots 59-64 adjacent to the Open Space
  - Along Lots 43-51 adjacent to the Open Space
  - Along Lot 64, Lot 65, and Lot 67 adjacent to Road B's Right-of-Way

The following shall be addressed:

- Ownership and maintenance of the proposed retaining walls shall be addressed by the applicant and shall be the responsibility of the Homeowners Association.
- If the retaining walls are to be located within the proposed lots, easements shall be provided for, and shall be of sufficient width to encompass the wall and associated wall components (geogrid reinforcement/footings), to a minimum distance of five (5) feet to the edge of geogrid reinforcement or footing. If the walls are to be located within Homeowners Association open space, encroachment within individual lots shall be included in an easement for the applicable portion of the lot.
- Upon providing the required easement on the plan, the plans will be reviewed to determine restrictions to be imposed on individual lots as it pertains to potential future lot improvements.

August 23, 2023 Comment: A plan showing proposed grading and easements shall be provided to demonstrate compliance with the previous comment. The submitted plan does not provide this information.

***Current Comment: A plan showing proposed grading and easements shall be provided to demonstrate compliance with the previous comment. The submitted plan does not provide this information.***

3. *Section 170-902.C.(2) - The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences. Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.*

*Section 170-402.D.(3).(f) - If the total of all area(s) of precautionary slopes on a lot exceed 25% of the total area of a lot, then no more than 50% of the precautionary slopes on that lot shall be disturbed, graded, or modified.*

June 6, 2023 Comment: 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



June 30, 2023 Comment: The previous comment remains applicable.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: Based upon the lot layout as shown, compliance with the above referenced criteria has been demonstrated, subject to the below:**

- **Lots 15, 21, and 26 shall be added to the “15-25% Slopes on Proposed Lots” table shown on the provided plan sheets.**
- **A full plan set shall be provided, with a revision block and applicable date included on the plan.**
- **The lot layout as currently represented shall be the layout as presented at the Conditional Use hearing.**

4. *Section 170-902.C.(2) – The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences. Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.*

*Section 170-1612.A(3)(a)[1] – Unless otherwise approved by the Board of Supervisors upon recommendation of the Township Planning Commission, surface land uses affiliated with transmission pipelines and all supporting equipment and structure shall be set back a minimum of 750 feet from residential building and all commercial, industrial, and institutional uses or a minimum of 500 feet from the nearest lot line.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: The previous comment remains applicable.

August 23, 2023 Comment: Supporting documentation from the Township Zoning Officer has not been provided with this submission. The previous comment remains applicable.

**Current Comment: Supporting documentation from the Township Zoning Officer has not been provided with this submission. The previous comment remains applicable.**

5. *Section 170-403.E – Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary permits from the PADEP.*

June 6, 2023 Comment: Acquisition of the referenced permits is appropriate at the time of Land Development application.

June 30, 2023 Comment: Acquisition of the referenced permits is appropriate at the time of Land Development application. This comment may be considered satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

6. *Section 170-902.C.(2) – The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences.*



*Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.*

*Section 170-405.A – In any use or development of a tract where permanent open space is to be created and/or retained, the landowner or applicant shall, whenever possible and in conjunction with other applicable ordinances, include in such open space those agriculturally suited soils whose acreage, configuration, and location offer future opportunity for agricultural use.*

*Section 170-405.B – In the siting of individual structures on lots, areas of agriculturally suited soils should be left free of structures or paving whenever possible, to allow opportunities for gardens and other agricultural uses.*

June 6, 2023 Comment: A Plan shall be provided, showing the proposed lot and improvements layout, with agriculturally suited soils (GdB, GdC) shaded.

June 30, 2023 Comment: The previous comment remains applicable.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

7. *Section 170-901.D – Comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans, site analyses, floor plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, detailed plans for other uses and improvements on the land as related to the buildings, lighting, landscaping; and*

*Section 170-901.E – A program for provision, operation and maintenance of such areas, improvements, and facilities as will be for common use by some or all of the occupants of the development, but will not be provided, operated or maintained at general public expense unless acceptable to or found necessary by the Board of Supervisors.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: Improvements associated with active recreation shall be provided if required by Westtown Township, per Section 170-907.A.(2) of the Westtown Township Zoning Ordinance. If Conditional Use approval is to be considered, and if development of the improvements is deemed required by Westtown Township, a condition shall be applied requiring development of improvements associated within the active recreation area to be the responsibility of the applicant, and that a plan for the proposed improvements be provided and approved by the Township as part of the Land Development Plan application.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

8. *Section 170-904.A.(3).(a).[1] – All open space used toward calculation of compliance with minimum open space requirements shall comply with all applicable standards separately from any additional open space that is utilized toward calculation of bonus density.*

*Section 170.904.A.(3).(a).[2] – 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.*

*Section 170-907.A.(5).(e) – The plan shall designate the use of common open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used. 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.*

*Section 170-907.A.(7).(a) – The following design standards, as deemed appropriate by the Board, shall apply to areas of common open space. Such areas Not less than 75 feet in width at any point and not less than 1/2 acre of contiguous area.*

*Section 170-907.A.(7).(d) – The following design standards, as deemed appropriate by the Board, shall apply to areas of common open space. Such areas shall be: Undivided by any crossing of public or private roads, except for proper traffic circulation, and then only upon recommendation of the Township Engineer and Planning Commission.*

*Section 170-201 – RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, cross walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses, generally the right of one to pass over the property of another.*

June 6, 2023 Comment: 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.
- 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.
- 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.
- 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”.
- The widths of Open Space areas B4 and B6, adjacent to Shiloh Road, shall be dimensioned to demonstrate compliance.
- The portion of “Required Minimum Common Open Space” located along the north side of Road B shall be excluded from qualifying open space.

June 30, 2023 Comment: The following shall be addressed:

- Supporting calculations shall be provided supporting that the proposed subsurface infiltration facility has been sized to comply with the volume and rate control criteria set forth in the Westtown Township Stormwater Management Ordinance, to satisfactorily demonstrate that the above ground portion of the facility is to be considered accessory to the infiltration facility. The Stormwater Management calculations currently indicate that the above ground storage associated with the facility is being used to comply with the criteria set forth in Section 144-308 of the Township’s Stormwater Management Ordinance. As referenced in the above Ordinance section, the above ground portion of the stormwater management facility may be located within the Open Space, but the area associated with the facility shall be excluded from the required minimum provided Open Space.
- Per the above referenced Ordinance section, qualifying Open Space shall consist of an area of ½ acre or more, and shall be contiguous to qualifying Open Space. The acreage of the area shown as “Maintained Lawn Area” and as qualifying open space, to the rear of Lots 32 and 33 shall be provided to demonstrate compliance with the referenced Ordinance requirement.
- Per the above referenced Ordinance section, qualifying Open Space shall be undivided by any crossing of public or private roads, except for proper circulation, and then only upon recommendation of the Township Engineer. While Open Space Areas 1 and 3 provide adequate area for usable passive/active recreation (19.21 acres, 6.17 acres respectively), Open Space Area 4 does not. Eligibility of this area may be considered, provided that the applicant develops this area for active recreation, to the satisfaction of the Township.

August 23, 2023 Comment: The following shall be addressed:

- Supporting calculations shall be provided supporting that the proposed subsurface infiltration facility has been sized to comply with the volume and rate control criteria set forth in the Westtown Township Stormwater Management Ordinance, to satisfactorily demonstrate that the above ground portion of the facility is to be considered accessory to the infiltration facility. The Stormwater Management calculations currently indicate that the above ground storage associated with the facility is being used to comply with the criteria set forth in Section 144-308 of the Township’s Stormwater Management Ordinance. As referenced in the above Ordinance section, the above ground portion of the stormwater management facility may be located within the Open Space, but the area associated with the facility shall be excluded from the required minimum provided Open Space.
- Modifications to the open space areas, as referenced above and as addressed in the applicant’s response letter, are appropriate at the time of Land Development Plan

**Current Comment: The previous comment remains applicable.**

9. Section 170-904.A.(2).(a) – For every 5% of the gross area of the tract that is permanently preserved as common open space above the minimum established under § 170-904C below and meeting the criteria of § 170-904A(3), the maximum density may be increased by 0.075 dwelling units per acre. For example, if 50% of the gross area of a tract in the R-1 District proposed to be developed for single-family detached dwellings is provided as common open space, representing an addition of two increments of 5% each (40 + 5 + 5), then the maximum density may be increased to 1.25 dwelling units per acre (1.1 + 0.075 + 0.075).

June 6, 2023 Comment: Bonus density calculations shall be revised to exclude the applicable areas as referenced in comment #8 above.

June 30, 2023 Comment: The previous comment remains applicable.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

10. Section 170-904.A.(3).(c).[2] – Collectively, in addition to compliance with the design criteria for stormwater management set forth in Chapter 149 of the Code of the Township of Westtown, the design of stormwater management facilities across the tract subject to flexible development shall result in groundwater infiltration of stormwater equal in volume to the incremental increase of the two-year storm, predevelopment to postdevelopment. For purposes of calculating the predevelopment volume of the two-year storm, predevelopment land cover conditions shall be assumed to be woodland-good for any area predominantly under cover of trees and meadow-good for any other area, regardless of actual cover conditions. The applicant shall be required to submit soil percolation test results and other credible evidence including a maintenance program satisfactory to demonstrate long-term feasibility of required groundwater infiltration. Where groundwater infiltration of the full incremental volume of the two-year storm is not practicable, the Township may require employment of other means to mitigate potential groundwater impacts.

June 6, 2023 Comment: 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.
- The following shall be provided to support the preliminary stormwater volume controls:
  - BMP details for each proposed BMP with outlet structures.
  - 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.
  - 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).

June 30, 2023 Comment: The following shall be addressed:



- All areas proposed to remain as woodlands in the proposed conditions (as shown on the “Change in Runoff Volume for 2-Yr Storm Event” worksheet on page 9 of 270 within the report) shall be clearly designated with hatching or shading on the Post-Developed Drainage Area Plan, to support the stormwater management facility size shown.
- The extents on the Drainage Area Plans and total areas shown on the “Change in Runoff Volume for 2-Yr Storm Event” worksheet on page 9 of 270 within the report shall be revised to include all revised and new improvements shown on the updated Plans. This includes but is not limited to:
  - The proposed grading and stormwater conveyances for the Bypass for DP003 at underground bed 1
  - All grading for the upper and lower basin 1
  - All grading for the BMPs of DP003
  - Grading associated with the roadway at the wetland crossing.
  - Grading for Basin 2
  - The grading and retaining wall along lots 44-52.

Stormwater management volume calculations, both required capture volumes and proposed storage volumes, shall be confirmed based upon addressing the above.

August 23, 2023 Comment: The previous comment shall be addressed, to confirm that the size of the above ground portion of the stormwater management facilities, to be excluded from qualifying Open Space as referenced in comment #8 above, is accurately represented. The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

11. *Section 170-904.D.(1) - The application for conditional use approval covers the entire flexible development and shows the location and approximate time of construction for each stage, in addition to other information required by this chapter.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: The applicant has stated there is no intention to phase the development at this time. If Conditional Use approval is to be considered, a condition shall be applied indicating that no phasing of the development shall occur.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

12. *Section 170-904.E.(8) - Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from privacy.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: This comment remains applicable. If Conditional Use approval is to be considered, and if installation of sidewalks on both sides of the proposed roadways is deemed required by Westtown Township, this requirement shall be applied as a condition.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

13. *Section 170-904.E.(10)(b) - No single-family detached dwelling or twin dwelling may be erected within 30 feet of any other structure.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: The applicant has responded that the pump station proposed is to consist of a wet well, valve vault, backup generator, and an electric enclosure with control panel. The applicant shall provide supporting information to demonstrate, to the satisfaction of the Township Zoning Officer, that the referenced facilities are not to be considered structures, as defined in Section 170-201, below:

*Structure - Any form or arrangement of building materials involving the necessity of providing proper support, bracing, anchorage or other protection. Such arrangement shall have a permanently fixed location in or on the ground. Structures include, but are not limited to, primary and accessory buildings, open sheds, and similar enclosures with less than four walls and/or a roof, signs, fences, or walls over six feet in height, detached aerials and antennas, decks, porches, platforms, recreation courts, swimming pools, tents, tanks, and towers. For floodplain management purposes, a structure is defined as walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.*

August 23, 2023 Comment: Supporting documentation from the Township Zoning Officer has not been provided with this submission. The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

14. *Section 170-905.A - Conservation design. Any flexible development shall comply with the provisions of § 170-1617. In addition, the natural features protection standards contained in Article IV of this chapter shall be applicable to any flexible development and to any lot created within a flexible development.*

*Section 170-1617.C.(1).(c).[3] - Approximate location of areas with a seasonally high water table, based upon the Soil Survey for Chester and Delaware Counties or a more accurate professional analysis.*

June 6, 2023 Comment: The soils legend on sheet 7 shall be revised to indicate which soils have a seasonally high water table.

June 30, 2023 Comment: This comment has been satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

15. *Section 170-905.A.(3) - Stormwater management: The applicant shall submit a proposed stormwater management plan, to be approved by the Township Engineer in accordance with Chapter 149, Subdivision and Land Development. In addition, the Board may require the submission of a study of the off-site and overall groundwater impacts of the proposed stormwater management system.*

*Section 144-202 - CONVEYANCE - A natural or man-made, existing, or proposed stormwater management facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this chapter, “conveyance” shall include pipes, drainage ditches, channels, and swales (vegetated and other), gutters, stream channels, and like facilities or features.*

*Section 144-202 - EASEMENT - A right of use granted by a landowner to allow a grantee the use of the designated portion of land for a specified purpose, such as for stormwater management or other drainage purposes.*

*Section 144-704.A.(2) - Easements shall be established in connection with any regulated activity for all permanent BMPs and conveyances that will not be dedicated to or otherwise owned by the municipality (including any to be located on any property other than the property being developed by the applicant), and shall be in general conformance with the form easement agreement which can be obtained from the Township Solicitor. This agreement shall: Include a ten-foot-wide perimeter (or other width as determined in consultation with the Municipal Engineer) surrounding the feature(s);*

*Section 144-704.B.(6) - For any BMP or conveyance to be owned by a person other than the municipality or the landowner owing the parcel upon which a MP or conveyance is located, an easement agreement shall be prepared and executed between the landowner and the owner of the BMP or conveyance which shall; Restrict the landowner’s use of the easement area of the parcel on which the BMP or conveyance is located, consistent with the rights granted to the owner of the BMP or conveyance.*

*Section 170-1505.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.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: The following shall be addressed:

- Twenty (20) feet wide easements, centered upon the centerline of the swale/storm sewer shall be provided for all stormwater conveyance facilities, including but not limited to those listed above.
- Upon providing the required easements on the plan, the plans will be reviewed to determine restrictions to be imposed on individual lots as it pertains to potential future lot improvements.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

16. *Section 170-905.B.(1) - Streets: Streets within a flexible development shall be related to land use and to adjacent street systems and shall be designated as secondary traffic street (arterial), collector street, or local street depending upon its function. Streets shall be designed in accordance with the terms of Chapter 149, Subdivision and Land Development; provision for the maintenance of such streets shall be an essential part of the plan for the development.*

*Section 149-901.F - The length of a cul-de-sac shall be a minimum of 350 feet and a maximum of 1,500 feet. Any proposed cul-de-sac longer than 1,500 feet must be approved by the Board upon recommendation of the Township Engineer. In no case shall any cul-de-sac street serve more than 25 dwelling units. Cul-de-sac length shall be measured from the radius of the cul-de-sac turnaround to the edge of paving/curbline of the closest through street.*

*Section 149-201 - CUL-DE-SAC - A minor street with access at only one end and which is terminated by a vehicular turnaround.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: 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, shall be dimensioned to demonstrate compliance with the above referenced Ordinance 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 as previously required.
- 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, subject to the review of the Township Traffic Engineer.

August 23, 2023 comment: Provision of the information as previously referenced is appropriate at the time of Land Development submission.

***Current Comment: Provision of the information as previously referenced is appropriate at the time of Land Development submission.***

17. *Section 170-905.B.(2) – Parking: Parking for all uses within the flexible development shall be in accordance with the requirements of Article XVII of this chapter.*

*Section 170-1705.A.(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.*

*Section 149-903. A.(3) – Minor street. Right-of-way shall be 50 feet and cartway width shall be 24 feet. See Notes 1 and 2.*

*NOTE 1: Additional right-of-way and cartway widths may be required by Westtown Township for the purpose of promoting the public safety and convenience, or to provide for parking in commercial and industrial areas and in areas of high-density residential development.*

*NOTE 2: At the sole discretion of the Township Supervisors, the right-of-way of a minor street may be reduced to 40 feet and the cartway width of a minor street may be reduced to 20 feet for properties of one acre or more. Turnaround paved cartway of cul-de-sac streets shall not be reduced.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: The applicant’s proposal to provide parking on one side of the street shall be subject to review by the Township’s Traffic Engineer.

August 23, 2023 Comment: The previous comment remains applicable.

***Current Comment: The previous comment remains applicable.***

18. *Section 170-905.E - Lighting: As required by § 170-1514. In particular, adequate lighting must be provided to the outdoor areas used by residents after dark. Appropriate lighting fixtures must be provided for walkways and to identify streets, steps, ramps, directional changes, and signs. Lighting shall be located to avoid shining directly into habitable room windows of dwelling units within the development, or into private yard areas associated with dwelling units. The requirements for lighting may be waived by the Board where density of development may not justify its use.*

*Section 170-1514.D.(3).(e) - Lighting proposed for use after 11:00 p.m., or after the normal hours of operation for commercial, industrial, institutional, or municipal applications, shall be reduced by 75% from then until dawn, unless supporting a specific purpose and approved by the appropriate officers or agent of the Township.*

*Section 170-1514.D.(3).(f) - All illumination for buildings and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.*

*Section 170-1514.D.(3).(h) - In no case shall the intensity of illumination exceed 0.1 horizontal, and 0.1 vertical footcandles. Horizontal footcandles shall be measured at grade. Vertical footcandles shall be measured line-of-sight, five feet above grade at the property line.*

*Section 170-1514.D.(3).(k) - For land development applications where lighting is required (i.e., zoning hearings, conditional use hearings), the credentials of the expert in outdoor lighting shall be described in writing. If the expert testimony is provided by more than one person, the credibility of each expert may be weighed by the Township.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: This comment has been satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

19. *Section 170-905.F - Landscaping: Landscaping shall be regarded as an essential feature of every flexible development. In addition to maximum preservation of the existing vegetation of the site, careful attention shall be given to landscaping of parking areas and provisions of street trees as required by this chapter, specifically § 170-1507, and Chapter 149, Subdivision and Land Development.*

*Section 170-1507.B - Any use or activity proposed as part of a subdivision or land development shall further comply with the requirements for shade trees, street trees, and other landscaping components stipulated in Chapter 149, Subdivision and Land Development.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: 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. This comment may be considered satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

20. *Section 170-907.A.(2) - Within the required 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. The Board may require that all, or a portion of, this recreational area be suitable for active recreation, and may further require that such area be prepared and developed for such purposes.*

*Section 170-907.A.(3) - Where applicable or deemed appropriate or contained in the Township's Comprehensive Plan or Parks, Recreation and Open Space Plan, provision for pedestrian trails for public and/or private use shall be provided. This provision need not be in addition to the 10% requirement of Subsection A(2) above unless the Board determines that the entire 10% minimum must be designated for active recreation.*

June 6, 2023 Comment: 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.

June 30, 2023 Comment: Improvements associated with active recreation shall be provided if required by Westtown Township, per Section 170-907.A.(2) of the Westtown Township Zoning Ordinance. If Conditional Use approval is to be considered and if deemed required by Westtown Township, a condition shall be applied requiring development of improvements associated with the active recreation area to be the responsibility of the applicant, and that a plan for the proposed improvements be provided and approved by the Township as part of the Land Development Plan application.

August 23, 2023 Comment: The previous comment remains applicable.

**Current Comment: The previous comment remains applicable.**

### **GENERAL COMMENTS**

21. June 6, 2023 Comment: On Sheet 6, Open Space 4 is not labelled.

June 30, 2023 Comment: This comment has been satisfactorily addressed.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

**REVISED PLANS COMMENTS**

22. Section 144-402.C.(4) - The date of SWM site plan submission and revision date, as applicable.

Section 149-602.B.(2) - North point, graphic scale, written scale, the date the original drawing was completed, and the date of each revision with the location and a clear and concise description of the changes made in each revision.

June 30, 2023 Comment: The plans provided with the current submission are dated April 14, 2023, last revised June 15, 2023. The plans provided with the previous submission were dated March 17, 2023, no revision. The applicant shall address the discrepancy and confirm any applicable changes to the plans, other than plan revisions per Township consultant review letters.

August 23, 2023 Comment: This comment has been satisfactorily addressed.

**Current Comment: This comment has been satisfactorily addressed.**

**Please note that partial plan submissions and future plan submissions may warrant additional review comments.** Please do not hesitate to contact me with any questions.

Best Regards,  
**Cedarville Engineering Group, LLC**



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

cc: Mila Carter, Director of Planning and Zoning, Assistant Township Manager [lcarter@westtown.org](mailto:lcarter@westtown.org)  
Kristin Camp, Esq. - Buckley Brion McGuire & Morris LLP [kcamp@buckleyllp.com](mailto:kcamp@buckleyllp.com)  
Albert Federico, P.E, Albert Federico Consulting, LLC [albert@federico-consulting.com](mailto:albert@federico-consulting.com)  
William N. Malin, P.E, Carroll Engineering Corp. [bmalin@carrollengineering.com](mailto:bmalin@carrollengineering.com)  
Gregg I. Adelman, Esq., Kaplin Stewart Attorneys at Law [gadelman@kaplaw.com](mailto:gadelman@kaplaw.com)  
Fox Clearing, LLC., Applicant [billb@keystonecustomhome.com](mailto:billb@keystonecustomhome.com)  
Dave Gibbons, PE Engineer [dgibbons@knowhowell.com](mailto:dgibbons@knowhowell.com)