

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, March 5, 2025 – 7:00 pm

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

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

## Call to Order and Pledge of Allegiance

## Adoption of Agenda

## Approval of Minutes

Planning Commission Meeting February 19, 2025

## Announcements

## Public Comment – Non-Agenda Items

## New Business

### **1. Discussion on Proposed State Legislation to Pre-empt Local Zoning**

Many Townships have expressed concerns about the proposed state legislation to pre-empt local zoning. The proposed standards include allowing the construction of duplexes, triplexes, and fourplexes (townhouses) and the construction and sale of houses on more modest plots of land, legalizing apartments and mixed-use buildings in commercial areas, legalization of accessory dwellings and streamlining construction and rental process.

### **2. America250 Activities in Westtown**

Historical Commission is seeking for collaboration and ideas for activities in Westtown to celebrate the County's 250th birthday.

## Old Business

### **1. Zoning Regulation – Fences and Walls**

Continued discussion on the proposed amendments to Section 1505 Fences and Walls.

### **2. Zoning Regulation – Environmental Impact Assessment Report**

Continued discussion on the potential requirement for an Environmental Impact Assessment (EIA) report to be provided for certain residential, commercial and other uses in order to aid the Township with the determination of whether these proposed uses are in compliance with the Township Code and other applicable regulations, including Article I, Section 27 of the Pennsylvania Constitution. Sample ordinance language is enclosed.

## Public Comment

## Reports

1. Board of Supervisors Meeting March 3, 2025 – Russ Hatton

## Adjournment

Next PC Meeting:

- **March 19, 2025, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday March 17, 2025, 7:30 PM** – Kevin Flynn/Brian Knaub

WESTTOWN TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
Stokes Assembly Hall, 1039 Wilmington Pike  
Wednesday, February 19, 2025 – 7:00 PM

**Present**

Commissioners, Russ Hatton (RH), Jack Embick (JE), Brian Knaub (BK), Jim Lees (JL) and Joe Frisco (JF). Tom Sennett (TS) and Kevin Flynn (KF) were absent. Township Manager and Director of Planning & Zoning Mila Carter was also present.

**Call to Order and Pledge of Allegiance**

Mr. Embick called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

**Adoption of Agenda (RH/JL) 4-0**

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

**Approval of Minutes (RH/JL) 4-0**

Mr. Hatton made a motion to approve the meeting minutes from February 5, 2025. Mr. Lees seconded. All were in favor of the motion.

**Announcements**

Ms. Carter made the following announcements:

1. The Township received an application for a 2-lot residential subdivision at 1001 S. Walnut Street.
2. The Township also received an application for subdivision of two acres of land at Crebilly Preserve that includes the Darlington Inn.
3. A conditional use application is expected for a unit at 1646 West Chester Pike that is currently used as dental office for other medical use.

**Public Comment – Non Agenda Items**

Stephen Wahrhaftig, 1032 Dunvegan Road, a member of the Westtown Historical Commission (HC), wanted the PC to consider the importance of the Darlington Inn as the most historic structure left in Westtown when reviewing the subdivision application. He stated that two members of the Historical Commission are architects specializing in historic preservation, who have offered to volunteer their time and knowledge to inspect the building and make recommendations including how to preserve the building's unique serpentine stone façade if it is sold, and to assist with funding for reuse by the community. He stated that the HC desires to work with the PC and the Board of Supervisors to find some way to protect the inn.

Mr. Embick responded that the subdivision application involving the Darlington Inn will be before the PC at a future meeting, and stated that the PC's role is to make recommendations to the Board of Supervisors. He stated that recommendations from the HC will be crucial and towards impacting the Board's decision on the application.

**New Business**

**1. ZHB Application – West Chester Area School District (Sarah Starkweather Elementary School (ES) and Stetson Middle School (MS))**

Mr. Embick summarized that the West Chester Area School District (WCASD) is seeking special exception to have a blanket use approval to turn the Sarah Starkweather ES and Stetson MS properties from an existing non-conforming use into a permitted use, and thereby remove the burden of continually needing special exception approval for future improvements. He added

that his understanding is that the WCASD desires to make improvements to the Starkweather ES, which include removal of modular classroom units and underground fuel tanks, construction of building addition, and other minor structural alterations and modifications.

Ryan Jennings, Esq., on behalf of the district, summarized that the applicant is seeking a special exception relief as it pertains to both Starkweather ES and Stetson MS for the use as primary or secondary school. He stated that the plan is to appear before the Planning Commission and the Zoning Hearing Board (ZHB) to have these two properties and these two longstanding uses recognized as permitted via the special exception process, as opposed to continuing down the path of nonconformity. Mr. Jennings recapped that both properties are located in R-1 Residential Zoning District, and the WCASD desires to make minor modifications to the elementary school, but has no intentions for improvements to the middle school at this time. He argued that these schools have been in operation for decades, but because the Township does not have any record of granting special exception for the use, any proposed modifications to the schools require an application to the ZHB, as they are considered to be nonconforming, and thus not recognized as a permitted use. Mr. Jennings explained that the WCASD has to go through this process every time modifications are needed to these two schools; therefore, he believed that granting of a special exception request for educational use is the most appropriate course, and in the best interest of the Township and the WCASD.

Damon Gonzaga, the Capital Program Manager at the WCASD, detailed the improvements planned for the school of less than 10,000 square feet of additional space. He referred to the site plan and described the plan for a two-story, four classroom addition at the rear of the building, enclosing an area already under the building envelope for a stairwell, extending the front entrance for additional administrative space and to create a secure vestibule at the front of the building, and a small addition for kitchen storage and equipment on the side. Mr. Gonzaga further provided that three existing modular classrooms will be removed, and four classrooms will be built in their place. He added that the project's goal is not to increase enrollment, but to have a better use of space. Mr. Gonzaga provided that the ES building was built in the 1990s and that the plan is to start renovations in 2030.

Barry Stingle, with T&M, a Landscape Architect working on the project, provided additional detail on the layout of proposed classrooms, kitchen area, and front office. He also confirmed that the number of parking spaces will remain with the same circulation as it is now. Mr. Stingle noted that an underground stormwater management (SWM) facility will be added beneath the paving in the back of the building for the additional stormwater runoff generated by new additions and earth disturbance. The new SWM facility will connect to the existing system that drains in the existing stormwater basin. He also added that the playground and existing stormwater facilities will remain, and that the amount of additional impervious surface generated by these modifications are minor.

Mr. Lees asked about the location of underground storage tanks that will be removed. Mr. Stingle referred to the site plan that depicted unused fuel oil tanks at the rear of the building, which will be removed and the soil will be tested, as per environmental requirements.

Mr. Hatton raised a concern about granting blanket approval and asked about plans for the future use of the rest of the property. Mr. Gonzaga stated that the plan is to leave the rest as it is for now, and described the topography and existing features of the site. Mr. Hatton was concerned about the playing fields, specifically a potential for field lights. Mr. Gonzaga noted there were no plans for the lights. Mr. Jennings clarified that blanket approval is only for the use and not other mandated requirements, which the district will have to come back for to the Township, including land development, permitting and/or any other relief as applicable.

Mr. Embick pointed out that the schools parcels are surrounded by residential areas and asked

whether the WCASD would be willing to designate some of the open space not currently used as a permanent open space. Mr. Jennings responded that he could talk to the district about that, but insisted that it was not related to the request. Mark Groves, Assistant Director of Facilities, stated that the rear of the school properties are wooded, and echoed the fact that they cannot speak on behalf of the School Board. Mr. Embick asked whether adjacent neighbors are able to access the property. Mr. Groves noted that they discourage use when school is in session, but said the fields are used by the public on weekends.

Mr. Embick asked whether the WCASD would be interested in promoting connectivity with surrounding neighborhoods and Crebilly Preserve. Mr. Groves stated that once there is a specific plan, the district would be open to considering that. Mr. Embick stated that he was not in a position to provide a recommendation on the application until there is a follow up discussion with the WCASD.

Mr. Jennings stated that concerns raised are dependent upon the School Board, and requested that the PC consider approval, especially since the school is operating and will continue to operate in the same fashion that it has been for decades. Mr. Embick wondered whether, at a minimum, conditions might be appropriate. Mr. Jennings suggested that the district might explore the potential for connectivity and permanent protection of open space, but he did not see how the schools can commit to that without the School Board's approval.

Mr. Hatton made a motion to approve the request of WCASD for special exception to have a blanket use approval, which will turn both Sarah Starkweather ES and Stetson MS from an existing non-conforming use into a permitted use, thereby removing the burden of continually needing special exception approval for future improvements, with the recommendations that the ZHB make a separate blanket special exception for each property, and that WCASD be asked to engage in discussion with the Township on use of remaining open space and pedestrian connectivity. Mr. Knaub seconded. All were in favor of the motion. RH/BK (5-0)

## **Old Business**

### **1. Zoning Regulation – Fences and Walls**

Mr. Embick recapped that the Board discussed the proposed amendments to the fence ordinance and raised several concerns that they are seeking the PC's input on. Ms. Carter summarized the concerns, including the extent of fence regulations, whether there is a need to require permits for repair and replacements, a proposed one-foot setback, decreasing of height of what is already permitted within the front yard from 5 feet to 4 feet, and whether there was a need to have provisions for garden fence if they are located on the interior of a lot and have the same allowable height as fences located in rear yards. Mr. Embick said that his justification for a one foot setback was so a fence could be maintained without trespassing on the adjacent property. Ms. Carter noted that she has not had a situation of a resident complaining about a neighbor trespassing for fence repairs/maintenance, and suggested it was an accepted norm. She further stated that some fences, such as split rail and chain link, can be repaired or replaced without access from the other side. Mr. Embick agreed, but felt that there has to be applicable and justifiable provisions to avoid serious controversies.

Mr. Embick expressed that much of zoning has to do with aesthetics, so regulating fences on the interior of the property is important, especially on smaller lots. He suggested to relieve larger plots from interior fence regulation, but keep the regulation for plots of one acre and smaller. Mr. Embick suggested the requirement for permits for fence repair replacement should be crafted in language that differentiates between certain levels of repair.

Mr. Embick stated that the one foot setback for fence placement on rear and side yards does not make sense because he has no knowledge of what legal or policy or reason would justify locating a fence on someone's property where you have to trespass to put it up or to repair or maintain it.

Ms. Carter suggested a compromise to allow the residents to install the fence along the property boundary with no setback only if they have a written permission from adjacent owners to trespass and take care of the fence when needed. Mr. Embick wondered how that will be handled when a property ownership transfers. Ms. Carter further suggested to consider permitting board-on-board fence where the fence posts are installed along the property line with the vertical boards overlapping on each side of the fence rails and are maintained by each neighbor. Mr. Embick suggested not to make it too complicated and look into potential exceptions instead.

Mr. Embick recapped that the reason for decreasing the height of the fence was because many communities think that a low fence in front is beneficial for aesthetic and safety reasons, and promotes community cohesion. Ms. Carter pointed out that the Township only allows open fences in the front yard, and argued that visibility is not an issue. The consensus of the PC was to maintain the existing height of permitted fence as currently regulated.

Mr. Embick voiced support of implementing garden fence provisions, but reasoned that the height of the fence shall be consistent with the surrounding neighborhood, therefore, making it consistent with allowable 6 feet in the rear yards. Ms. Carter did not feel there was a need for garden fence provisions if the permitted height of such fence is the same as all other fences. Mr. Embick then suggested adding a provision allowing higher fence as long as it is open, so it does not create safety or environmental issues. Mr. Knaub raised a question whether the fence shall be allowed to be higher to address concerns over deer. Mr. Embick was supportive of that idea as long as it is an open fence, and asked about a potential of having a portion of the fence being of different type to maintain the aesthetics of surrounding neighborhoods. He also preferred higher fences to be set back further from the property lines.

Ms. Carter summarized recommendations provided by the public, including retaining a 6 inch setback for existing fences and allowing an 8 foot high fence in specific situations. Mr. Embick asked whether the PC shall recommend permitting an 8 foot fence if there is a justifiable medical condition. Ms. Carter believed that it would fall to the Zoning Hearing Board to make a decision on such application.

### **Public Comment**

Mr. Patel, 811 E Sage Road, recapped his previous recommendations to allow a higher fence, as per the Center of Disease Control guidance to prevent deer ticks which are harmful to individuals with specific medical conditions.

### **Reports**

Mr. Embick reported on the Board of Supervisors meeting February 18, 2025.

### **Adjournment**

The meeting adjourned at 9:03 PM. (BK/JF) 5-0

Respectfully submitted,  
Mila Carter  
Township Manager and Director of Planning & Zoning

# KEEP IT





# LOCAL

See the digital edition to watch as a veteran township official discusses the importance of zoning decisions remaining with local elected officials and explains the harmful impacts a one-size-fits-all approach to zoning could mean.

## One-Size-Fits-All Zoning Threatens Township Decision-Making

Township officials are sounding the alarm as some in Harrisburg propose legislation to pre-empt local zoning. PSATS, which believes that land use decisions should be made by each community, has effectively thwarted these efforts thus far, but the dust is far from settled. The governor has charged the state Department of Community and Economic Development with drafting a Housing Action Plan by September. Whether it will hold sunshine or storm clouds for local government remains to be seen.

BY CHRIS BRADY / ASSISTANT EDITOR



Housing issues are driven by many factors, including the cost of construction materials and land, high interest rates, and supply chain issues. Townships are at the forefront of meeting their communities' housing and development needs.



**W**here and what kind of housing exists in a community is a decision elected township officials have traditionally made, and to be clear, it is under attack.

“As a township manager, it’s concerning to me,” says Jason Kratsas, manager for the Township of Pine in Allegheny County. “It’s really taking some of the zoning abilities out of the townships’ hands, the local municipalities, the ones who are doing the planning for our communities and how we are going to grow.”

Some townships have spent years,

even decades, crafting zoning ordinances derived from comprehensive plans and community input. Other townships have no zoning and follow county plans. Yet, as different as these two approaches are, elected township officials make the decisions in both. That could change, however, if a one-size-fits-all approach to zoning gains traction in Harrisburg.

### **‘Keep zoning decisions local’**

State lawmakers in 2024 began questioning local zoning, with one even claiming that people who live in mixed-use, dense communities are healthier, more productive, earn more money, and live more fulfilling lives.

As housing costs, mortgage rates, infrastructure costs, and construction costs have increased dramatically, making affordable housing hard to come by, some in Harrisburg want to point the finger at local government.

The sentiment is that local government has eschewed multifamily, mixed-use development in favor of so-called “McMansions” with large, sweeping lawns. Local land use ordinances do not support that claim, however.

“We want to keep zoning decisions local. That’s important for our community,” says Stephanie Mason, manager of Doylestown Township in Bucks County. “We offer through our



# “Zoning is like a building-block tool that we as municipalities use in planning how our communities grow.”

zoning a variety of housing types. We have areas zoned for manufacturing, apartments, single-family homes, twin homes, town homes, and we’ve added senior affordable housing and carriage homes. We have a variety.”

Lawmakers proposed two bills aimed at establishing statewide zoning during the last legislative session in Harrisburg, but PSATS was successful in helping to block attempts at preempting local control. Townships with zoning do not want to lose the right to decide what goes where in their own community.

“Zoning is like a building-block tool that we as municipalities use in planning how our communities grow, and lately, we’re hearing this concern, not just about statewide zoning but even regionalized zoning, really going to

county-based zoning or different forms of that,” says Kratsas.

“From my experience, zoning regulations at a municipal level give the residents a direct line to the elected officials [who adopt the ordinance],” adds Kelsey Harris, assistant director of codes and community planning for Horsham Township in Montgomery County. “It provides an avenue for the residents to be heard at public meetings and participate in how their government functions. In my opinion, limiting this function of local government will hinder the taxpayers’ ability to have a say in what happens in the community they live in.”

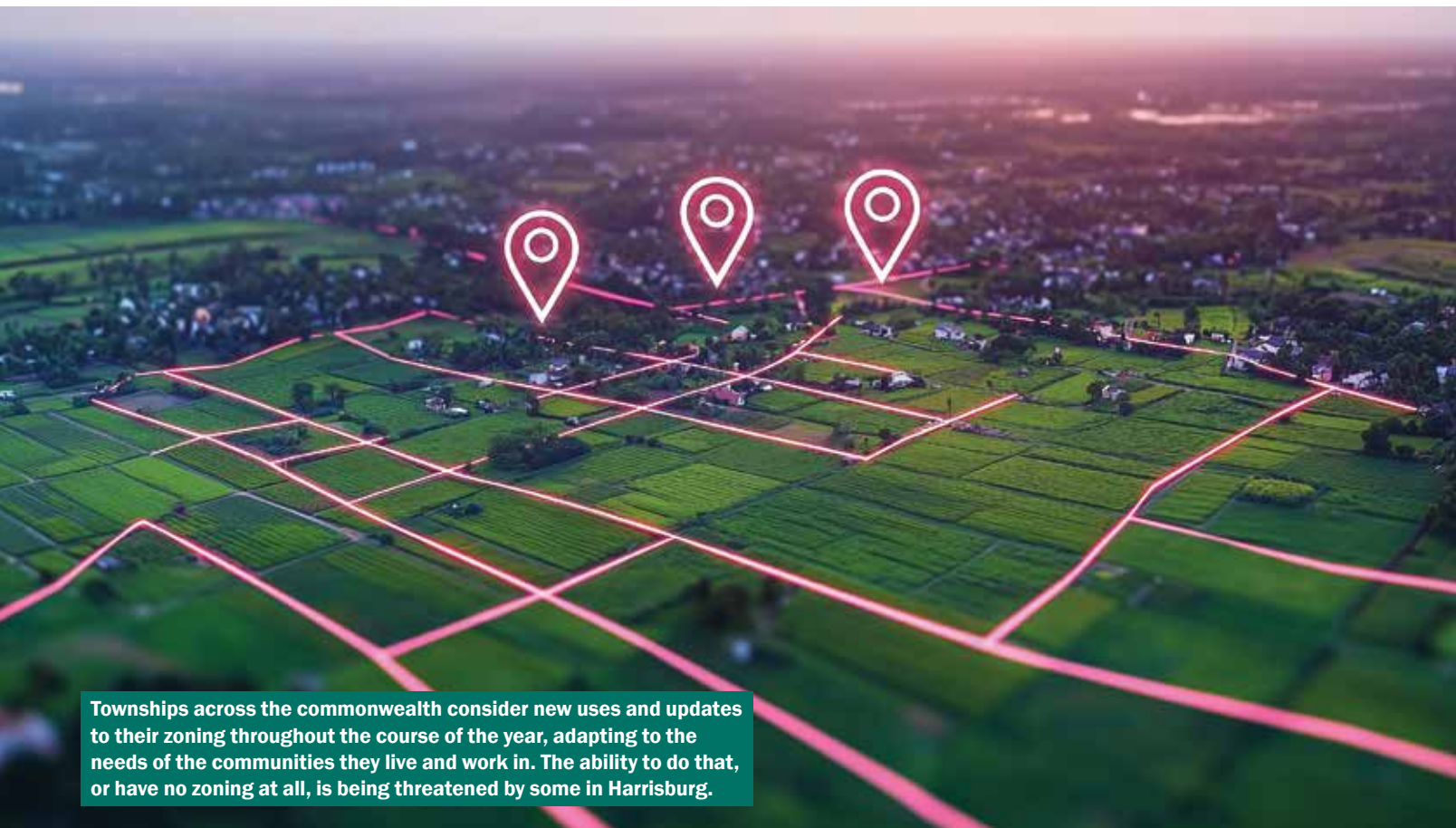
## Zoning evolves as needs change

Doylestown Township in the south-

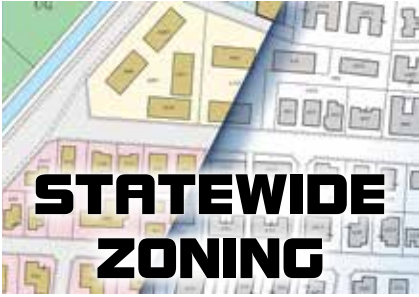
east and the Township of Pine in the southwest are located at opposite ends of the commonwealth, yet on the issue of zoning, they are aligned as neighbors. Professionals in these townships have dealt with changes for decades and adapted zoning to accommodate those changes.

Doylestown Township has roughly 6,000 properties, including everything from manufacturing to mixed-use. What used to be called “in-law suites” are now considered “accessory family apartments.” Other trends include attainable housing and workforce housing.

Sinclair Salisbury, director of code enforcement for the township, is tuned in to such changes, especially the growth in accessory family apartments as the population ages. ➤



Townships across the commonwealth consider new uses and updates to their zoning throughout the course of the year, adapting to the needs of the communities they live and work in. The ability to do that, or have no zoning at all, is being threatened by some in Harrisburg.



“We’ve seen the increase, and I think it will continue,” he says.

“One of the hot topics is always accessory dwelling units and multi-generational housing options,” says Kirsten Primm, director of code and planning for the Township of Pine. “We’re finding a lot of parents and grandparents moving in with [family members] as they age. Students are moving back in with parents. We do permit accessory dwelling units. I think everywhere will see that need increase.”

“It’s parents, aging adults,” says Mason. “It’s caring for loved ones at

various stages of life. Most applications indicate they are dealing with parents. Some are dealing with children coming back. It can also be family members with disabilities.”

These changes are dealt with at the local level through the zoning hearing board and, ultimately, the board of supervisors. Township leaders know best what is happening in their borders and can make the necessary adjustments to their land use regulations to address emerging issues.

“We’re aware of the conversation on attainable housing, workforce housing, attainable housing for seniors,” adds Mason. “We’re going to continue to address those uses with the county planning commission with zoning uses [decided] at the local level.

“You really have to stay on top of the needs of the community,” she continues. “Each community is unique, and each community needs to have the ability to make decisions.”

### Why is this happening?

The push for a statewide approach

to zoning seems to be rooted in, as one lawmaker put it, “a crisis of affordability” in housing. The desire among some lawmakers is to push aside zoning processes to expedite construction, which ignores the root causes of the crisis if you look at the data.

The Pennsylvania Housing Finance Agency (PHFA) authored a Comprehensive Housing Survey in 2024, which shows that the housing crisis in the commonwealth and across the nation is complex and driven by many factors. High interest rates, constrained markets, and stagnant construction markets due to high costs are among the primary reasons.

“Local zoning guidelines ensure neighborhood safety and quality of life in a community,” says PSATS Executive Director David Sanko. “Housing affordability is driven by high interest rates and the cost of land, materials, and labor, not to mention supply chain issues. Individuals get to choose where to live based on decision points that are important to them and their family.”

Home values have increased as has

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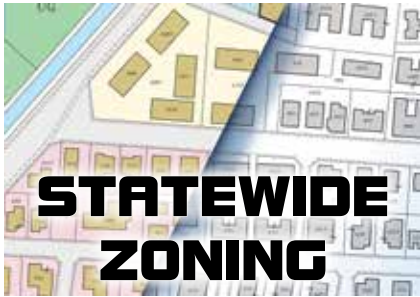
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home ownership, according to PHFA. The agency also notes that across the commonwealth, housing stock has grown while vacancy rates have decreased slightly.

While the sale of existing homes has slowed, according to PHFA, sales of new homes increased 12.4% from 2023-2024. That has led to “significantly more inventory of new homes for sale than there is of existing homes for sale.”

PSATS conducted a survey of member townships to gather data on housing approvals, denials, and applications under consideration. There were no reported denials of duplexes, town



**A comprehensive plan allows a township and its residents to plan for future development while navigating recreational, agricultural, industrial, and other opportunities. (Photo courtesy of the Township of Pine.)**

houses (*three or four units per building*), or multifamily condominiums or apartments. Data clearly indicates the housing shortage seems to be concentrated in the more urban areas and

populated counties of the state.

There are steps the state can take without undermining local authority, however.

Rather than targeting municipal

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“You can go through that **comprehensive plan, and [it] tells you where the community wants to be in 10 years.**”

zoning, state lawmakers should focus on providing tools and resources for keeping Pennsylvanians in their homes, such as incentivizing home improvement loans. The commonwealth can address affordable housing by providing quick and accessible funding to preserve and protect such housing.

Additional steps can include:

- broadening eligibility requirements for loans;
- creating state sources for financing;
- providing tools and resources to redevelop blighted properties and rehabilitate existing housing stock;
- addressing construction costs brought on by burdensome stormwater and UCC regulations; and
- providing additional funding for municipalities to conduct housing studies and create long-term plans for housing needs.

### Locals know their communities best

As Doylestown’s Mason stated, townships have spent decades crafting their planning and zoning to accommodate the community’s wants and desires. Many townships have extensive comprehensive plans that are reviewed, amended, and changed over decades. These plans are crafted through the work of residents and elected officials alike and cater to the evolving needs of municipalities.

“We have a comprehensive plan from which we create zoning and planning,” says Mason. “Certainly, things evolve, and those documents are reviewed, changed, and modified over time. Uses are added over time. We’ve added things and changed things to be current with language, e.g., accessory family apartments versus family suites.”


“I think zoning and the comprehensive plan are incredible tools,” says Pine’s Primm. “They can be as much or as little as you want or need them to be. They work well together, and it really helps you shape your community.”

“You can go through that comprehensive plan, and [it] tells you where the community wants to be in 10 years,” adds Kratsas.

A comprehensive plan is a valuable component of township governance.

Townships can work with neighboring municipalities to develop a joint plan or draft one just for their community. Or, as others have decided, choose to not have a comprehensive plan at all.


“Multimunicipal comprehensive



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**PA Association of Zoning Officials  
Spring Educational Seminar**





**May 4, 2025  
Hershey Lodge  
Hershey, PA**

**TIME:** 9 a.m.- 4 p.m.

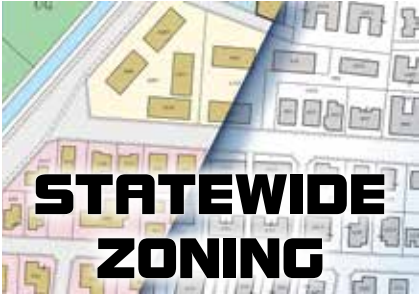
**COST:** \$125 for members of the PA Association of Zoning Officials and \$175 for non-members. The fee includes course materials, lunch and refreshments.

**REGISTRATION:** To register for this seminar, go to [paazo.org](http://paazo.org).

**CREDITS:** The registration fee includes five continuing education credits toward the Certified Zoning Officer accreditation, and/or five PMGA planning/zoning points for attending.







plans and zoning ordinances are permitted, and I've seen them become increasingly popular, especially with those rural communities," says Primm. "Some of them have the same needs and the same goals with development.

"We definitely align with some of our neighboring communities, but [with] others, maybe we're going in a different direction, which isn't right or wrong," she adds. "There are different needs based on our residents and our businesses and those who created their lives here."

Having a plan in place allows a township to adapt to trends and potential growth, and local control allows officials to remain in tune with residents. Once these plans are adopted, they can be revisited and revised as needed. Many townships revise their plans every 10 years, which requires them to begin planning with community members months and even years ahead of any changes.

"For communities that don't have a comprehensive plan, they really should explore the options, whether it's a multimunicipal plan and ordinance or if it's something they can have a consultant help with," says Primm. "Through these processes, updating what they already have or creating new plans, it will really connect them with their residents and their community and open that line of communication."

**'Put the task in the professionals' hands'**

Planning and zoning can require a significant investment in a communi-

ty's future. Not only do officials spend valuable time researching and gathering public input, but the township may spend taxpayer dollars to hire zoning and planning professionals. Supervisors rely on these consultants to shape the community's vision while working within the law to draft ordinances.

"Put the task in the professionals' hands," advises Kratsas. "There are communities that are investing in local professionals. There are also communities that would say, 'We would rather have a consolidated, more regionalized approach.' Where the problem comes in is when that decision is taken away from the community."

The Township of Pine takes pride in the effort it expends on zoning and planning. It also works effectively with its neighbors when it is mutually beneficial. To have those options stripped from them frightens township officials.

"For us in Pine, we take zoning seriously," says Kratsas. "We hire zoning professionals and planning professionals to really help us guide our commu-

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nity and how we grow. It's concerning to us to take that away from the local municipality and have stakeholders who don't understand the whole picture. It's a scary thing for us at the municipal level."

### Acting at the local level

When lawmakers raised the specter of statewide zoning in the last legislative session, PSATS and other local government groups pushed back. The Association sent a letter to the House Local Government Committee urging its members to vote against House Bills 1976 and 2045 and encouraged member townships to contact their legislators about the bills.

The Bucks County Association of Township Officials also opposed the bills, "because they fail to ensure affordable housing and merely promote more development using tools that municipalities already have and use appropriately when needed."

Doylestown Township adopted a resolution in July 2024 citing its opposition to the House bills.

In addition, several resolutions related to local control over land use have been brought to the floor at the Annual PSATS Conference in recent years. *(For more on PSATS' work and its Grassroots Network Advocacy Tool, see page 18.)*

### 'Leave it up to the municipality'

Zoning officials are sounding the alarm on consequences that could arise with state lawmakers' attempt to preempt local zoning. One of the prime concerns is property values.

"It may be unspoken, but with imposed zoning, homeowners are wondering about the values of properties in their communities," says Doylestown's Salisbury. "Residents wonder if having some type of housing other than single-family homes mandated in those developments would impact values. It's a big factor."

This is another reason the decision needs to be left at the local level.

"The creativity that is used... the municipality needs to be able to figure out what will work," says Mason. "That's key. However it comes about, leave it up to the municipality." ➤



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Hershey Square  
Derry Township, PA



Dowhower Road Culvert  
Lower Paxton Township, PA

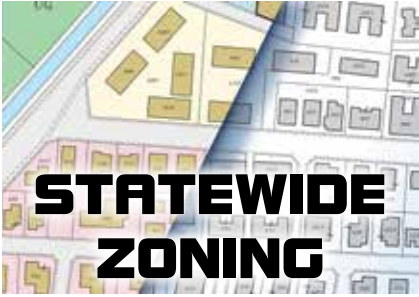


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Cranberry Township, PA

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# PSATS and its members stand opposed to any form of statewide zoning

Another overlooked aspect of imposed zoning is the availability or lack of infrastructure to support development. Comprehensive planning maps out infrastructure plans for years or decades into the future for the community. Township planners work based on access to roads, water, wastewater facilities, and other utilities. This wealth of information originates at the local level.

“It would have a big impact on communities and residents of communities they’ve selected to live in if the state would enact zoning that would take away how local municipalities have zoned areas over the years,” says Mason. “It would change a community. More important, it would take away the local control. I think the local officials know best what is appropriate.” ♦

PSATS has been firm in its opposition to any pre-emption of local control over zoning and land use. Members approved resolutions pertaining to the matter over recent years, including at the 2024 PSATS Educational Conference. Additionally, several county associations have adopted resolutions, which were then taken up by respective townships.

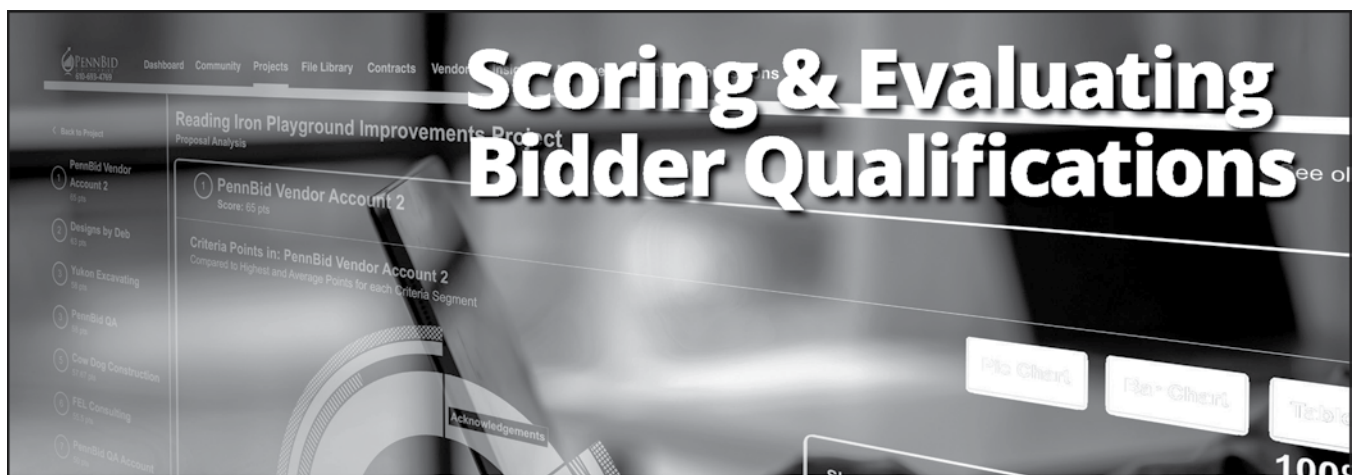
PSATS has had representatives speak at various listening sessions held across the commonwealth, and Executive Director David Sanko spoke recently at the Capitol. Developers, construction firms, the Chamber of Commerce, and realtor interests are among those in favor of a regional or statewide zoning approach.

“This issue of zoning autonomy is taken seriously by PSATS and its members,” says Sanko. “We will continue to educate state lawmakers on the importance of keeping zoning decisions with local municipalities, where elected officials are best equipped to make decisions for their communities based on comprehensive planning and adherence to the Municipalities Planning Code.”

Members can make their voices heard by using the PSATS Grassroots Advocacy Network Tool. Log into [psats.org](https://psats.org) and click on the “Grassroots Advocacy” button in the Quick Links panel on the left. The link to access the tool is at the top of the Grassroots Network page.



**PSATS’ Grassroots Advocacy Tool makes it easier for members to network with state lawmakers on issues of importance to townships.**



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*We the People*

# America's 250<sup>th</sup> Birthday – 2026 A Year-Long Celebration

## Westtown Township Discussion



# Chester County America 250 Themes

## AGRICULTURAL BOUNTY/NATURAL LANDSCAPE

Agricultural resources shape our past and future.



## IRON, STEEL & INDUSTRY

Furnaces & forges flourished in the region, helping to forge our nation.



## PHILADELPHIA CAMPAIGN

A turning point in the American Revolution.



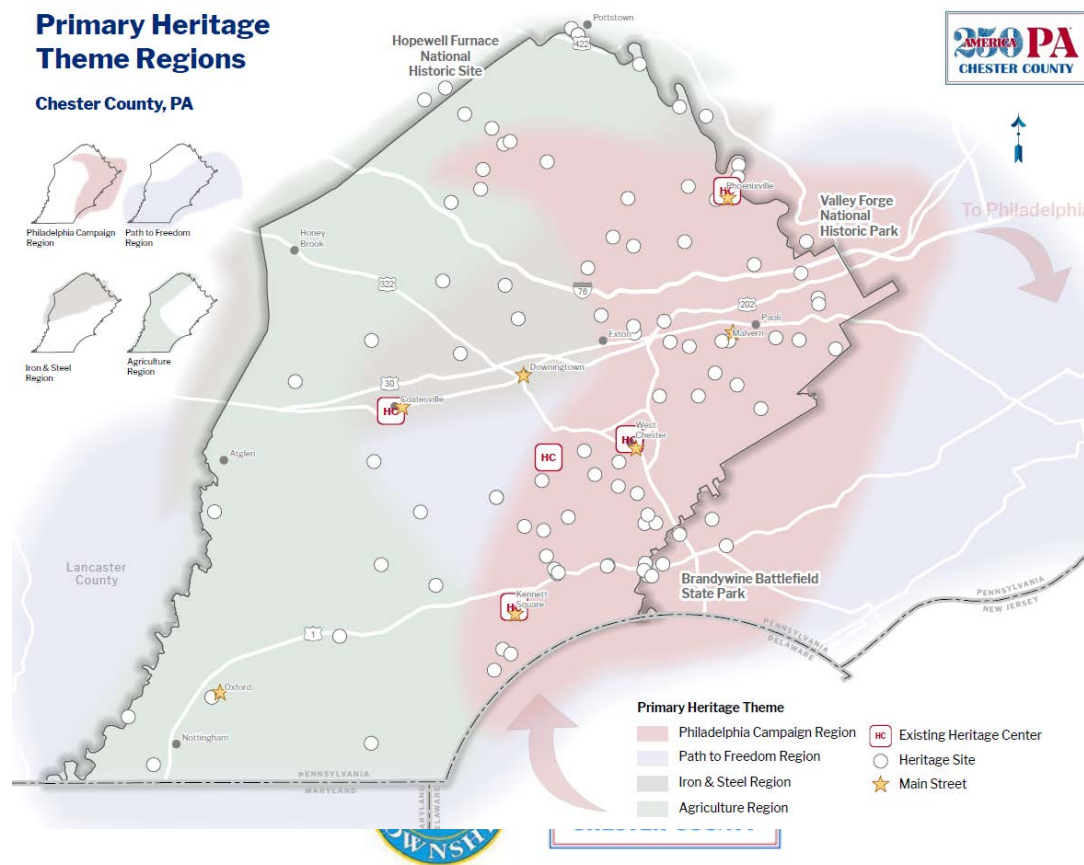
## PATH TO FREEDOM

This includes the Underground Railroad, Women's Suffrage, and Civil Rights, and others.



CC250 aims to promote interactive, inclusive, compelling experiences to commemorate and celebrate the 250th anniversary of the nation's declaration of independence.

- Including ways that Chester County participated in our nation's founding
- Understand our continuing journey to build a more perfect union.





# Chester County and Westtown Agriculture



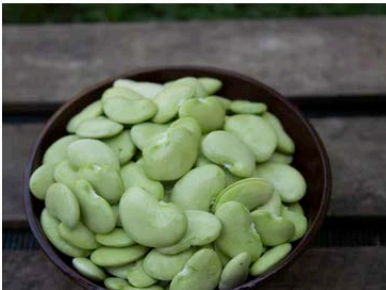
Of all 67 Pa. counties, Chester County ranks behind only Lancaster in farm output.

Westtown has many farms in its history, including working farms today.

Farm products were often processed and transported from Westtown via roads and milk trains.



> (Sold out for 2024) Dr. Martin Pole Lima Bean Seeds



## (Sold out for 2024) Dr. Martin Pole Lima Bean Seeds

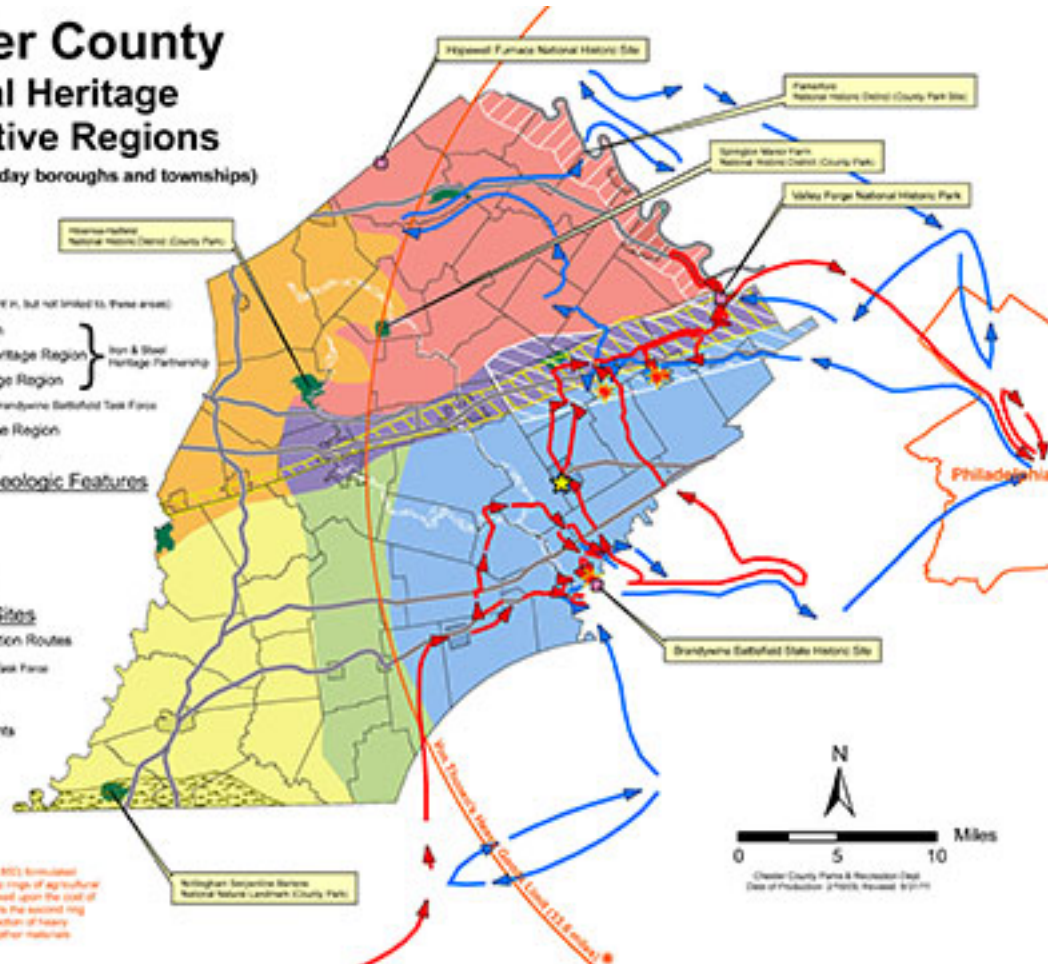
by ROHRER SEEDS  
SKU 9952010  
★★★★★ 12 Reviews  
**Sold out** \$6.99



# Chester County Iron and Steel

## Chester County Cultural Heritage Interpretive Regions (shown over present-day boroughs and townships)

- Key**
- Regions** (Heritage Themes are prominent in, but not limited to, these areas)
- Iron & Steel Heritage Region
  - Iron & Steel / Agricultural Heritage Region } Iron & Steel Heritage Partnering
  - Iron & Steel / Quaker Heritage Region
  - Quaker Heritage Region } Brandywine Battlefield Task Force
  - Quaker / Agricultural Heritage Region
  - Agricultural Heritage Region
- Influential Geographic / Geologic Features**
- Great Valley
  - Schuylkill River Valley
  - Brandywine Valley
  - Central Serpentine District
- Influential Corridors and Sites**
- Immigration and Transportation Routes
  - Welsh Barony } Perkasie Park Task Force
  - 1777 Philadelphia Campaign British Troop Movements
  - 1777 Philadelphia Campaign Continental Troop Movements
  - 1777 Philadelphia Campaign Battle Site
  - County Seat
  - Chester County Parks
  - National or State Historic Park
  - Johns Patrick van Thullen (1783-1852) formulated a model for generating four concentric rings of agricultural activity around major urban areas (based upon the road of transportation and land use). Street is the second ring around Philadelphia containing production of heavy goods such as timber, ironwood, and other materials used for fuel and construction.





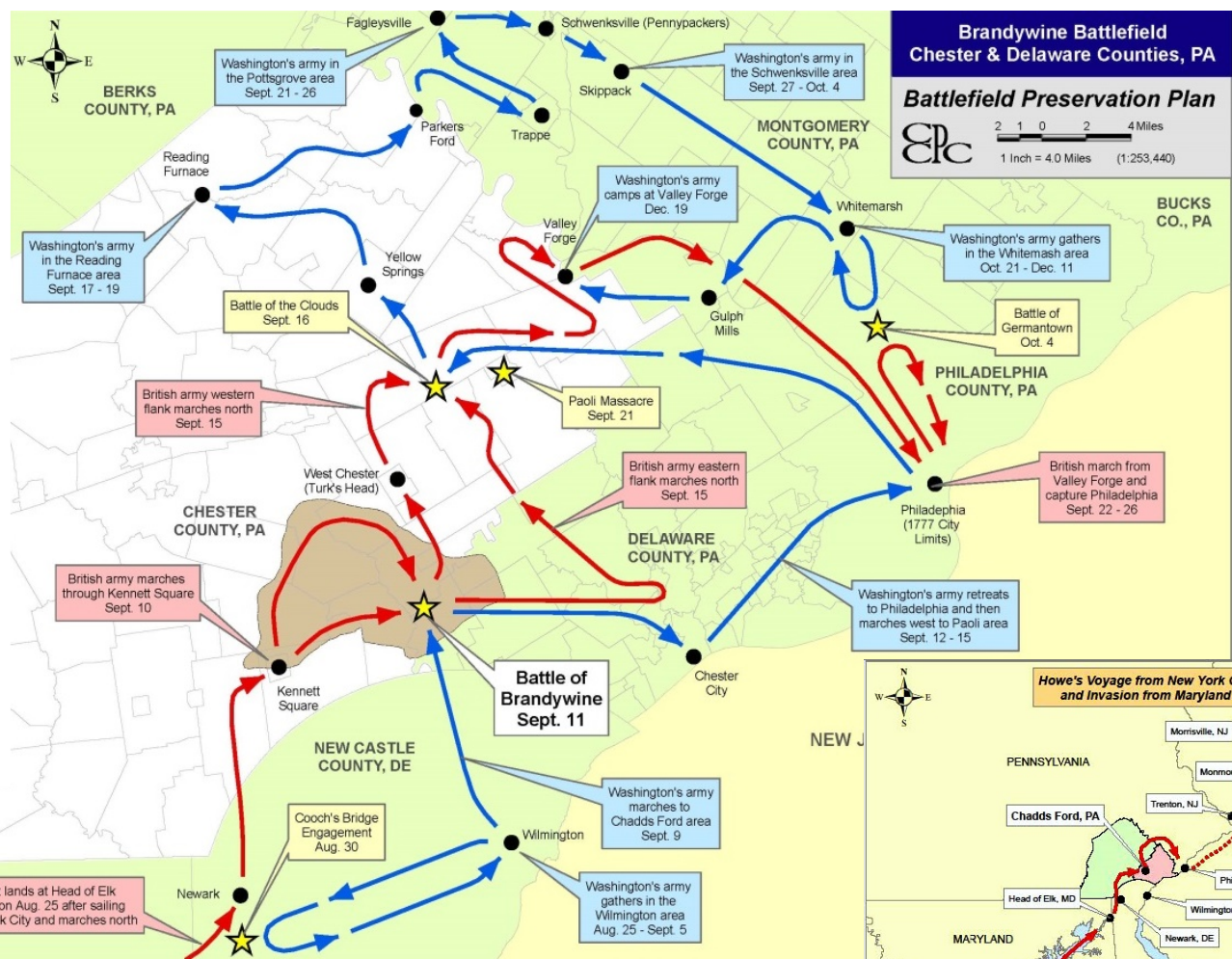


# Philadelphia Campaign of 1777

**Brandywine Battlefield**  
Chester & Delaware Counties, PA

**Battlefield Preservation Plan**

2 1 0 2 4 Miles  
1 Inch = 4.0 Miles (1:253,440)



**Brandywine Battlefield**  
Chester & Delaware Counties, PA

**Battlefield Preservation Plan**

10 5 0 10 20 Miles  
1 Inch = 30 Miles (1:1,900,800)

**Burgoyne's Invasion from Canada**

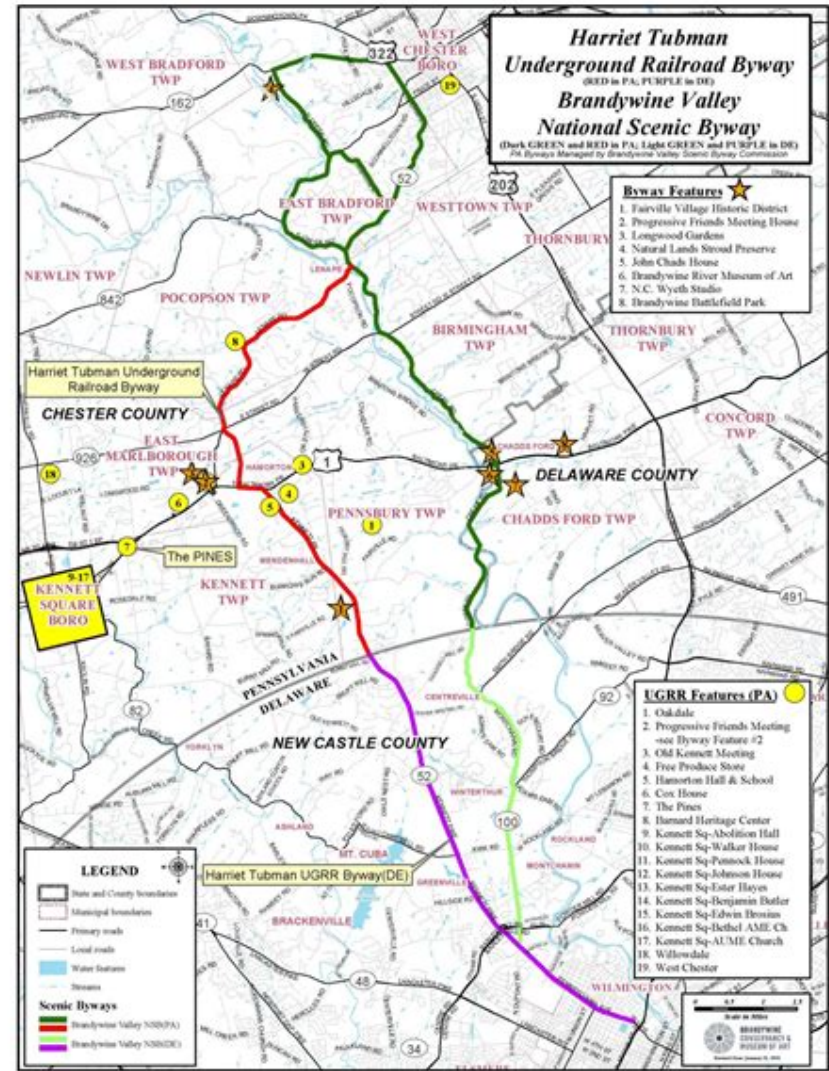
**Map 1.9**  
**British Troop Movements, 1777 to 1778**



# Chester County Path to Freedom

## Byway Map

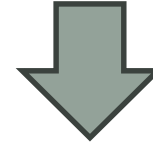
- The Map illustrates the significance of the story of the Byway "Just Over the Line" from Delaware and Maryland that allowed slavery.
- The Pennsylvania Gradual Abolition Act of 1780 changed the legal status of the enslaved if they could reach Pennsylvania.
- The presence of that Act makes Chester County one of the most, if not the most important, Underground Railroad location in the United States. Chester County had the largest concentration of Quakers in any location in America at the time.
- Note on the map the coupling of both the Brandywine and Tubman Byways with their counterparts in Delaware. They are connected routes, but different stories.
- The Tubman Byway Story reveals this important history.



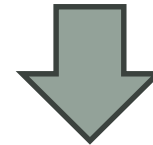
# Chester County America 250 Visitor Plan



2 Gateways:  
Valley Forge  
Brandywine Battlefield



Heritage Centers  
(Like the Chadds Ford Historical  
Society)



Local sites with interpretive displays



# Program Idea: Share Your Heritage Story

*America250 urges communities to hold discussions & community conversations. Here are some discussion points:*

1. How did your family ancestors **participate in** and **influence** the founding of our nation?
2. From 1776 to today: What linkages do you have to our nation's continuing journey of **life, liberty, pursuit of happiness** and **justice for all**, as we build a more **perfect union**?
3. Please tell us about something **at your home** or **in your neighborhood** related to America's journey to **independence** and **freedom**.
4. What do these terms mean to you:  
**freedom - democracy - the American Experiment - the American Dream**
5. What are your **hopes** for how celebrations and commemorations of the 250<sup>th</sup> anniversary of our nation's Declaration of Independence will **impact *We the People*** of this nation?





# CC250 is partnering with Valley Forge National Historic Park on a “Dare to Declare” Initiative- Public Readings of the Declaration of Independence

## Places of Declaration/Dare to Declare

- Valley Forge National Historical Park-led effort to have **readings of the full Declaration of Independence at gathering places throughout the community** through July 2026.
- Creating a webpage to register sites, times & participant sign ups
- Possible sites:  
Historic sites – family & community picnics – pubs/taverns – places of worship – libraries – academic forums – zoom calls – festivals – theatres – courthouse steps.
- Possible giveaways to participants:
  - a copy of the Declaration of Independence & Constitution & Bill of Rights
  - free admission pass to heritage site
  - free ice cream, lemonade, refreshments



Westtown's America 250 will ideally involve all township residents and organizations.

<b>INVOLVE GROUP AFFILIATIONS</b>
Public and Private Schools
Service Clubs: Rotary, Lions, Kiwanis, etc.
Youth & Community: Scouts
Township Commissions
Veterans: VFW, American Legion
Business w/strong community involvement
Arts performing & presenting orgs
Others



America 250 is planned to be a year-long celebration.

Many ideas for activities have been suggested for consideration:

Tours	Freedom Treks	Freedom Scavenger Hunts	Freedom Walks, Runs, -thons
Book Groups	Lecture Series	Community Conversations	Heritage Trivia Games
Performances w/Talk-backs	Movie/Film Series	Theatre-Dance	Visual Art, Textile Art, Photography Shows
Concert Bands	Marching Bands	Choirs	Songs of Freedom & Independence
Food for Thought	Brews & Clues	Community Picnics	\$17.76 Community Meals
Dare to Declare: Read & Discuss Declaration of Independence	Declaration Station	Share Your Heritage Story	Share Your Freedom Story







# CC250: Timeline Amidst Overall U.S. Civic/History Focus

2023				2024				2025				2026				2027				2028							
JFM	AMJ	JAS	OND	JFM	AMJ	JAS	OND	JFM	AMJ	JAS	OND	JFM	AMJ	JAS	OND	JFM	AMJ	JAS	OND	JFM	AMJ	JAS	OND				
<p><b>Community Partner Concept Development</b> <i>We The People</i></p>				<p><b>1<sup>st</sup> phase: Soft Launch-Heritage Sites &amp; Community Partner Outreach</b></p>				<p><b>2<sup>nd</sup> Phase: More Intensive Promotion, FR &amp; Partner Outreach</b></p>				<p><b>Remember the Brandywine!</b> Co-promote Heritage Sites &amp; Programs Community Conversations Civic Engagement</p>				<p><b>250<sup>th</sup> Battle of Brandywine, Clouds, Paoli</b></p>				<p><b>250<sup>th</sup> Valley Forge</b></p>				<p><b>Valley Forge</b></p>			

# PLANNING TOOLKIT: Stay Informed & Spread the Word



- Be a part of the America250 community
- Share our mission with your friends, family & colleagues
- Roll up your sleeves & plan with your community group
- Tell us your ideas
- We need dreamers and do-ers. **We need YOU.**

- Eager to Join Us Now? Dare to Declare!** Join our email list: <https://america250chesco.org/ContactUs.html>
- Invite Us to Your Gatherings** — CC250 can meet with your group to explain more. [Let us know.](#)
- Follow, Like and Share** CC250 on [Social Media](#) — Please help us spread the word.
- Encourage people to [share their story](#) of heritage, freedom, liberty and justice for all.
- Zoom** in to CC250 Community Planning forums, **4<sup>th</sup> Friday monthly at noon.** Share & compare ideas with groups throughout Chester County.
- Zoom** in to CC250 Resource Development forums, **3<sup>rd</sup> Friday monthly at noon.** Fundraising, Marketing, Volunteer Recruitment & Retainment
- Attend** CC250 Partner Events — [Learn what's happening, where, and when.](#)

We need your **ideas, observations and questions.**

Please contact us at CC250, 28 W. Market St., West Chester PA 19382  
610.696.8211 [cc250@chescofc.org](mailto:cc250@chescofc.org) <https://america250chesco.org/>



## Sample Description to share in newsletters, website and social media

More in media kit at <https://america250chesco.org/News.html>

### 250 is Coming! 250 is Coming!

America 250 PA Chester County (CC250) commemorates our nation's 250<sup>th</sup> anniversary with interactive, inclusive experiences in our community throughout 2026.

We invite you to join us to explore Chester County's role in American history and consider how we can continue to build a more perfect union for all.

We encourage all to be involved, to make this a true celebration and commemoration by **We The People**.

For more info, to join forums and zoom sessions, sign up for e-mail notices, &/or to take the partnership pledge, visit <https://america250chesco.org/>

Questions? Ideas? Contact CC250, 28 W. Market St., West Chester PA 19382  
610.696.8211 [cc250@chescof.org](mailto:cc250@chescof.org) <https://america250chesco.org/>



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

## §170-201 **Definitions**

### **FENCE**

Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, or masonry, singly or in combination with other materials, 2 1/2 feet high or higher, erected to secure or divide one property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined, or to enclose all or part of the property; a freestanding masonry wall is considered a fence.

### **FENCE, GARDEN**

An open fence that is fully encompassing no more than 25% of the lot, with no buildings or structures located within the fenced in area, which is actively used to grow vegetables, fruit, herbs, or flowers for personal consumption (i.e. not retail).

### **FENCE, INTERIOR**

A fence located within the interior of a property used to divide or section off specific areas within the property for various purposes, such as enclosures for pets, livestock, garden areas, or to provide privacy between different sections of a property.

### **FENCE, OPEN**

A fence that has at least 50% of its surface area as open space, which allows for better visibility from both inside and outside the property being fenced. Such fence type may include split-rail, post and rail, picket fence and chain link fence.

### **YARD**

An open, unoccupied space on the same lot with a building or other structure or use.

### **YARD, FRONT**

A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any part of a structure on the lot. On a corner lot, the Zoning Officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

### **YARD, REAR**

A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any part of a structure on the lot.

## **YARD, SIDE**

A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any part of a structure on the lot.

### **§ 170-1505 Fences and walls.**

**[Amended 3-3-2003 by Ord. No. 2003-2; 2-6-2012 by Ord. No. 2012-1]**

A. Permit requirements. A permit is required for the installation or replacement of all fences, except as noted in 170-1505.B, exceeding 40 feet in length and within the front, rear or side setback areas [or yards] in accordance with the following:

(1) The following shall be submitted with a permit application:

- a. A plot plan of the subject property that accurately depicts the following: the boundaries of the property, rights-of-ways and easements, structures, location of proposed fence and fence gates. ~~locating the proposed fence shall be submitted with the permit application.~~ The plot plan may be an informal sketch plan, not necessarily to exact scale, ~~showing the property boundaries and accurately locating the proposed fence.~~
- b. Fence dimensions, including height and width of fence gates.
- c. Details ~~of~~ of the fence foundation (such as concrete footings, t-posts, post spikes and post anchors), fence type and fence materials.

(2) The property owner or contractor shall notify the PA One Call System before installation or permit application submission ~~beginning construction of the fence.~~

### A.B. Exceptions.

- (1) A permit is not required for a fence in the Township District.
- (2) A permit is not required for fences enclosing agricultural uses as set forth in §170-1609 and in §170-1603.B, or those constructed in conjunction with a permit for the installation of a swimming pool, or those meeting the definition of garden fence under this Chapter.
- (3) A permit is not required for in-kind replacement or repair of fence or walls when it meets the same design specifications, including setbacks, placement, materials, and dimensions.
- ~~(2)~~(4) A permit is not required for installation or replacement of an interior fence as long as it is of the same height as other permitted fences on a property.

### C. C. — General standards applicable to all fences and walls.

- (1) A fence or wall within the front yard shall have an opening or an operable gate with a minimum width of 3 feet. There shall be a minimum of one opening or operable gate along each street frontage.

- (2) A fence or wall within the front yard shall be set back a minimum of 10 feet from the future right-of-way.
- (3) A fence or wall located within a yard other than a front yard shall be set back from side and rear lot lines a minimum of one foot. The owner of the fence is responsible for maintaining the area between the fence line and property lines.
- (4) If one side of a fence is smoother or more finished than the other side of the fence, the smoother or more finished side shall face onto any abutting lot or public road. The finished side shall also be considered the side without structural support members.
- (5) A ~~An open~~ fence higher than six feet and not exceeding ten feet is permitted to enclose a recreation facility such as a tennis court or ground mounted solar energy system if the fence is integral to such use and complies with the required building setbacks applicable to the zoning district.
- ~~(6)~~ (6) \_\_\_\_\_ Where landscaping is required as a buffer around a use, all fencing shall be located on the inside of the landscaping, except for ~~fencing that is mostly open (such as split rail or picket fencing)~~ and is an open fence if constructed of wood or materials with a similar appearance.
- ~~(7)~~ (7) \_\_\_\_\_ This section shall not restrict retaining walls that are necessary to hold back slopes, nor walls of a building that are permitted by this chapter.
- (8) 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, unless permission is granted in writing by the easement holder.
- (9) Fences and their support materials shall be placed entirely within the boundaries of the property being fenced. If the property owner cannot demonstrate that the property line location is known and identified in the field, as well as on the permit plan, ~~the Township the Zoning Officer~~ may require a survey of the property be completed by a professional land surveyor to determine the precise limits of the property.
- (10) Any fence or wall which, in judgement of the Zoning Officer, is unsafe, dangerous or a threat to the public health and safety shall be repaired, replaced or removed at the expense of the property owner.
- (11) Regulations for fencing associated with wireless communications facilities are set forth in Article XXV, Wireless Communications Facilities, and those provisions are the applicable standards to apply to such fencing. [Added 6-15-2015 by Ord. No. 2015-6; amended 4-4-2022 by Ord. No. 2022-04]
- ~~(12)~~ (12) \_\_\_\_\_ Regulations applicable to fencing associated with surface land uses affiliated with transmission pipelines are set forth in § 170-1612A(3)(b). [Added 7-17-2017 by Ord. No. 2017-2]



(13) Regulations applicable to fencing associated with principal solar energy systems are set forth in § 170-1618C(1).

F. Fences and walls located on lots with residential use. In addition to general standards described in §170-1505.E, ~~In a residential district or a residential or agricultural lot in another zoning district~~fences and walls on lots with a residential use shall comply with the following:

- (1) A fence located within the required front building setback area of any yard shall be an open fence and shall have a maximum height of five feet ~~and shall have a ratio of open to structural areas of at least 1:1 (such as a split rail or picket fence).~~
- (2) A wall within the required front building setback area shall not exceed a height of three-four feet.
- (3) A fence or wall located within a minimum principal building setback area, other than the minimum front building setback, shall have a maximum height of six feet. (Decorative post tops may extend above six feet except that a total height of a fence with said post tops shall not exceed seven feet).
- (4) No razor, barbed wire, spikes or electric fencing shall be placed upon a fence or wall.
- (5) A garden fence shall be permitted within side and rear yards, measuring no more than six feet in height, and meet the requirements of this chapter. (4)

G. Fences and walls located on lots with nonresidential use. In addition to general standards described in §170-1505.E, fences and walls on lots with a nonresidential use shall comply with the following:

- (1) ~~D.~~ On any nonresidential lot, a fence or wall shall not exceed a height of five feet within the front yard ~~minimum front building setback area~~ and eight feet in any other ~~yard~~ minimum principal building setback area.

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

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

**Part X (Environmental Protection)**  
**XXXXX Township Zoning Ordinance Amendment**

**DRAFT- 20191112JRE**

**§ XXX-XXXX Environmental Impact Assessment Report.**

**1. Purpose and Definitions.**

- A. An Environmental Impact Assessment (EIA) report shall be required for certain residential, commercial, industrial and solid waste processing uses that are more specifically identified herein in order to aid Township officials with the determination of whether these proposed uses are in compliance with the Code of Ordinances of Township, and other applicable law and regulations, including without limitation Art. 1, Sec. 27 of the Pennsylvania Constitution.. Additionally, the EIA report shall also identify the current, cumulative, and future adverse effects or impacts on protected resources or values from any and all activities associated with the identified proposed uses or activities.
- B. The EIA must identify and assess direct and indirect adverse effects or impacts on protected resources or values that can be negative or positive; identify and assess impacts that are immediate, short-term or long-term; and which impacts can be incremental, compounding over time, or develop over the passage of years; and determine whether and to what degree the effects or impacts will infringe unreasonably upon or violate the protected resources, rights and values (including but not limited to air, water, scenic, historical, natural, and esthetic) or unreasonably cause actual or likely deterioration of the listed values. In the event the EIA report identifies any adverse impacts or effects on any protected resources or values caused or to be caused by the proposed activity or use, the applicant shall mitigate, reduce and avoid any impacts to the greatest extent practicable, such that all adverse impacts or effects created by the proposed activity or use are reduced to insignificant levels for the present and future. This may require, for instance, the reduction of the number of units, size or location of the proposed activity or use, even where the proposed activity or use is allowed as of right by other Township ordinance provisions. In order to meet this standard, the applicant may propose off-set actions or uses, so long as any off-set actions or uses are located within the Township, and so long as such off-set actions or uses fully off-set any adverse impacts or effects caused or to be caused by the proposed activity or use. Approval and valuation of any off-set activities or uses is within the sole discretion of the Supervisors, and the Supervisors may modify any proposed off-set mitigation, reduction or avoidance activities on the Supervisors' own initiative.
- C. The purpose of this Section is to implement the duty of the Township under the Municipalities Planning Code, 53 P.S. §§ 10101, et seq. ("MPC"), the Township's ordinances, and Article I, §27 of the Pennsylvania Constitution. Under the MPC and Article I, §27 of the Pennsylvania Constitution, the Township must account for, consider, and preserve and protect various resources, including but not limited to public natural, environmental, or historic resources. Under Art. I, §27, the Township must serve as a trustee for conservation of the above stated resources for all citizens of the Commonwealth, including future generations, and to protect the rights guaranteed under Article I, §27 of the Pennsylvania Constitution. This provision implements those duties by requiring that all resources protected by Article I, §27 and other applicable laws and

regulations, and which resources may be affected by activities or uses requiring Township approval, are identified. Further, any adverse impacts or effects on those resources or values must be avoided to the maximum extent practicable, and where adverse impacts cannot be avoided, the adverse impacts or effects must be minimized and offset to a degree such that any resulting adverse impacts are insignificant presently, and in the future.

D. Definitions

- a. Environmental Impact Assessment (EIA) Report means a report that is designed to evaluate, assess and quantify the effects and impacts of a proposed action or projection on any statutorily or constitutionally protected values or resources including, but not limited to, air, water, scenic, historic, natural and aesthetic values. The EIA report shall evaluate, assess and quantify the current, cumulative, and future significant adverse impacts or effects of all activities associated with the identified proposed uses, including, but not limited to any on-site and off-site impacts of the proposed uses, and any direct and indirect effects attributable to the proposed uses. The preparation of an EIA report shall be the responsibility of the applicant and the EIA report shall be prepared by a consultant approved in advance by the Township, and the proposed scope and work plan of the EIA report shall be approved in advance by the Township. The EIA report shall be submitted in draft form to the Township for review and comment and for a public hearing; and the EIA report shall be finalized by the applicant after receiving written notice from the Township. The Township may, but is not required to, prepare and revise guidance for the contents of such an assessment.

2. **When Required.** An Environmental Impact Assessment (EIA) report shall be submitted for all residential, commercial, industrial and solid waste processing uses that meet the following criteria:

- A. Any residential subdivision application involving at least twenty-five (25) or more new dwelling units in any Zoning District of Township where residential uses are permitted. Such residential zoning districts included the following as of the enactment dated of this Ordinance: XXXXX.
- B. Any land development subdivision or zoning permit application in the XXXXXX Districts involving the creation of more than twenty-five thousand square feet (25,000 sf) of gross floor area or more than one-hundred thousand square feet (100,000 sf) of lot coverage.
- C. Any land development, subdivision or zoning permit application involving the below identified uses (whether a permitted by right, special exception, or conditional use) within the XXXXX District (XX) (§XXX=XXXX):
  - i. Composting facility.
  - ii. Material separation facility.
  - iii. Recycling facility.
  - iv. Refuse derived fuel facility.
  - v. Sanitary landfill, involving the disposal of 100 or less tons of solid waste per day.



- vi. Agricultural industry.
- vii. Solid waste related trucking industry.
- viii. Sanitary landfill, involving the disposal of more than 100 tons of solid waste per day.
- ix. Mineral extraction.
- x. Prison/correctional institution.
- xi. Public heliport.
- xii. Transfer station.

D. Any other use or activity which the Supervisors determine may have a significant adverse effect or impact on any resources or values protected by applicable law, including but not limited to the ordinances of Township, or Art. 1, Sec. 27 of the Pennsylvania Constitution. In order to determine if a use or activity may have a significant adverse effect or impact on any resources or values protected by applicable law, the Supervisors may rely on any source of information they deem credible in their sole discretion.

3. **Preparation of Report.** In addition to the requirements set forth in section 1 above, the EIA report shall be prepared by a qualified professional (e.g. an. engineer, architect, landscape architect or land planner) who shall have experience in the preparation of EIA reports and in the development of opinions and recommendations set forth therein.

4. **Procedures.**

A. Whenever an EIA report is required in accordance with Subsection 2 (A), (B) (C) and (D), the EIA report shall be submitted along with any zoning permit application and/or any preliminary, preliminary/final land development/subdivision applications filed with Township for the specified use. The EIA report also shall be submitted by the applicant to the Planning Commission, the Historical Commission, and the Environmental Advisory Commission, and any other entity as directed by the Supervisors.

B. Whenever an EIA report submission is required by Subsection 2, twenty (20) copies of the EIA report shall be submitted to the attention of the Township Manager, along with a digital copy in portable document format (pdf), along with a digital copy of all data sets created in connection with the preparation of the EIA report. In the event the Township requires the EIA report and any associated data sets in another format, the applicant shall supply the information to the Township Manager in the format requested.

5. **Format and Content of EIA.** The EIA report shall be submitted in accordance with the format and content specified below. Within the EIA report, specific emphasis shall be directed towards the effect the proposed development will have on the subject tract, the adjacent neighborhood (including areas within adjacent municipalities) and Township-wide resources, conditions or characteristics. Where required information is contained in other supporting documentation within the subdivision or land development plan application, said information can be cited by reference

to said supporting documentation.

- A. Overview. Indicate the purpose and scope of the proposed project. Enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed, how they are to be considered and the uses intended. The resident population, working population and visitor population shall be projected. The basis of the projections shall be clearly stated in the report.
- B. Compatibility. The compatibility or incompatibility of the proposed project shall be described in relation to the following:
  - i. The Township Comprehensive Plan (as amended/adopted), or any Regional/Multi-Municipal Comprehensive Plan (as amended/adopted) for which Township is a signatory, and the Township Parks and Recreation Plan.
  - ii. The Comprehensive Plan of adjacent municipalities whenever a project is located along or within five-hundred feet (500') of the municipal boundaries.
  - iii. Chester County Planning Commission Comprehensive Plan (as amended).
  - iv. Chester County Transportation Plan (as amended).
  - v. Regional and state planning guides (as amended).
  - vi. Chester County Landscapes;
  - vii. Chester County Watersheds 20245
  - viii. Chester County Climate Change Plan
- C. Location. An identification of the site location and area through the use of a location map drawn at a scale of not more than 2,000 feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries and municipal boundaries within 2,500 feet of any part of the tract. In the case of development of only a portion of the entire tract, the location map shall also show the relationship of the section to the entire tract.
- D. Photographs. An identification of the character and appearance of the site through the presentation of color photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from ground level. Photographs shall be properly identified or captioned and shall be keyed to a map of the site.
- E. Description of the Project. An identification of the nature of the proposals through the presentation of the following:

- i. A site development plan including notes pertaining to the number and type of lots or units, the square footage and/or acreage of the tract and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall be drawn at a scale of not smaller than 100 feet to the inch, i.e., 50 feet to the inch is permitted but 200 feet to the inch is not, and may be submitted as an attachment to the report. The plan shall reflect all the information required under the plan requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].
  - ii. Floor plans and elevations depicting the proposed size, square footage, height, number of rooms (where applicable) of buildings and/or other structures.
  - iii. A statement indicating the existing and proposed ownership of the tract and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
  - iv. A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.
- F. Physical Resources Inventory. An identification of physical resources associated with the natural environment of the tract including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative aspects of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than 100 feet to the inch as specified below and may be either incorporated into the EIA report or submitted as attachments to the report.
- i. A map depicting the geological characteristics of the tract. Such map shall define the location and boundaries of the rock formations at or influencing the tract and features such as faults and/or fractures. All carbonate and diabase geology must be shown and all information required by the Subdivision and Land Development Ordinance [Chapter 22] shall be included.
  - ii. A map depicting the topographical characteristics of the tract. Such map shall contain contours with at least two-foot intervals and shall depict slopes ranging from: 0% to 20%, 20% to 25%, and greater than 25%.
  - iii. A map depicting the soil characteristics of the tract. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project such as prime agricultural soils, depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields. List and describe each soil type located on the site. If applicable, provide percolation data. Where the proposed area of land disturbance will involve soils with moderate or severe limitations (as per the Soil Survey of Northampton County, Natural Resources Conservation Service that is currently in effect) relative to the type of project proposed, a



complete mapping of all soil types on the site shall be required indicating where those moderate and severe limitations exist.

- iv. A map depicting the hydrological characteristics of the tract. Such map shall depict: surface water resources, their drainage characteristics, watersheds and floodplains and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
- G. **Biological Resources Inventory.** An identification of biological resources associated with the natural environment of the tract including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. In addition, these resources shall be mapped at a scale of not smaller than 100 feet to the inch, as specified below; and may be either incorporated into the EIA report or submitted as attachments to the report.
- i. A map depicting the vegetation characteristics of the tract. Such map shall define the locations and boundaries of the woodland, forest and hedgerow areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees 12 inches in caliper or greater shall be accurately located and identified on the map whether they are free-standing trees or tree masses.
  - ii. A map depicting characteristics associated with wildlife habitats. Such map may draw upon vegetation, hydrology and soil maps in order to express habitat characteristics, associated with terrestrial and aquatic wildlife on the tract and the relationship of the overall habitat(s).
- H. **Land Use Inventory.** An identification of the land use conditions and characteristics associated with the tract such as: current and past use, land cover and encumbrances; and the relationship of this information to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale of not smaller than 100 feet to the inch, shall be incorporated into the EIA report or submitted as attachments to it.
- i. A map depicting the land cover characteristics of the tract. Such map shall define existing features including: paved or other impervious surfaces, woodland and forest areas, cultivated areas, pasture, old fields, lawns and landscaped areas, and the like.
  - ii. A map depicting any encumbrances to the tract. Such map shall define easements and other areas where certain use privileges exist.
  - iii. A map depicting the land uses within 500 feet of the proposed tract. Such map may be at the same scale as the location map.
- I. **Surface Water Inventory.** Describe existing watercourses and water bodies that are partially or totally on the site and their relationship to the area of land disturbance. Calculate existing surface runoff from the site and the associated watershed, including the

potential development of the remainder of the watershed. When the natural drainage pattern will be significantly altered, an analysis shall be conducted which will investigate flow, depth, capacity and water quality of the receiving waters. When required, floodplain areas will be mapped in consultation with the Department of Environmental Protection. Existing drainage structures shall be mapped and the capacity of the drainage network shall be determined. Additionally, wetland areas as defined by the Department of Environmental Protection and the U.S. Corps of Army Engineers shall be delineated.

- J. Subsurface Water Inventory. Describe the subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities of the site. Where existing conditions warrant, provide detailed information regarding existing wells within 1,000 feet of the site relative to depth, capacity and water quality. Discuss the water supply capabilities of the adjacent areas and the recharge capabilities of the site.
- K. Existing Features Inventory. Describe any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to, roads, housing units, accessory structures, utility lines, etc.
- L. Historic Resources Inventory. An identification of the man-made resources associated with or within 500 feet of the tract which are older than 50 years. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places, the Historic American Building Survey and any which may be identified in the Comprehensive Plan shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- M. Visual and Scenic Resources Inventory. An identification of the visual resources associated with the tract such as areas which have a particular amenity value and areas which offer interest in viewing the tract. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale of not smaller than 100 feet to the inch depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
- N. Community Needs Inventory. An identification of the community facility needs associated with the users and/or residents of the proposed project. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals and other health care facilities, fire protection, police protection, ambulance and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lot(s) and/or tract and the need for additional or expanded community facilities.
- O. Utility Needs Inventory. An identification of the utility needs associated with the users and/or residents of the proposed project and a statement whether the project is within the area to be served by public sewers under the Township's Act 537 Plan. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future

users and/or residents of the lot(s) and/or tract; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and the ability to achieve an adequate system for storm drainage and stormwater management. Certificates from the utilities confirming that adequate capacity exists to service the proposed development shall be included.

- P. **Transportation System Inventory.** An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the tract and at points of ingress to and egress from it; and expected traffic volumes generated from the project including their relationship to existing traffic volumes on existing streets for both peak hour and nonpeak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed project and what improvements are proposed to remedy any physical deficiencies.
- Q. **Demographics.** An identification of the demographic characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot and/or tract including information such as the number of people expected. Such information shall be related to initial and completed project conditions.
- R. **Fiscal Impact.** An identification of the economic and fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the Township, county and school district revenues which the proposal may generate and the Township, county and school district costs it may create. Such information shall be related to initial and completed project conditions.
- S. **Existing Conditions.** An identification of characteristics and conditions associated with existing, construction related, and future air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
- T. **Licenses and Permits.** An identification of all licenses, permits or other approvals required by law for the development and the status of each.
- U. **Environmental Controls.** An identification of compliance with the Flood Hazard Overlay District (§XXX-XXXX
- V. (Anything else in the Code of Ordinance of Township – add references here).
- W. **Impacts Inventory.** The implications, impacts or effects of the proposed project in terms of: the type of beneficial or adverse effects which may result from it; and the duration of these effects in terms of their short-term or long-term, or cumulative nature. To indicate such effects, there shall be a discussion of the implications of the proposed project resources, conditions and characteristics described in Subsection 3E through U above. In addition to a narrative presentation of implications, the applicant shall display where the project adversely affects the tract's resources, conditions or characteristics through the use of a



map drawn at a scale of not smaller than 100 feet to the inch, wherein the areas adversely affected by proposed development are highlighted. Such map either may be incorporated into the EIA report or submitted as an attachment to the report. Further, the applicant must demonstrate and specify in the EA report how and where the findings in the EA report and its attachments are reflected in the project.

- X. Alternatives Analysis. Alternatives within the project which would preclude, reduce or lessen potential adverse impact or produce beneficial effects. To indicate such alternatives, the applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The applicant shall comment on alternatives such as: revised location, redesign, layout or siting of buildings, roads and other structures and the reduction in the size of proposed structures or number of structures.
- Y. Adverse Impacts. Probable adverse effects or impacts, both on-site or off-site, long-term, or cumulative, which cannot be precluded, including:
- i. Water quality and quantity.
  - ii. Air quality.
  - iii. Noise.
  - iv. Undesirable land use patterns.
  - v. Damage or destruction of significant plant or wildlife systems.
  - vi. Aesthetic values.
  - vii. Destruction of natural resources.
  - viii. Displacement of people and businesses.
  - ix. Displacement of viable farms.
  - x. Employment and property taxes.
  - xi. Destruction of man-made resources.
  - xii. Disruption of desirable community and regional growth.
  - xiii. Health, safety and well-being of the public.
  - xiv. Disruption and deterioration of the community transportation network.

In indicating such effects, a discussion shall be presented regarding whether they will have primary or secondary implications, that is, whether the adverse effects will have direct or indirect influence on a particular resource, condition or characteristic.

- Z. Mitigation Measures. Measures to mitigate adverse effects. To indicate such measures, the applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These measures shall include those required through existing procedures and standards, and those unique to a specific project, as follows:
- i. Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county and/or Township for remedial or protective action such as: sedimentation and erosion control, stormwater runoff control, water quality control and air quality control.
  - ii. Mitigation measures related to impacts which may be unique to a specific project are those related to efforts such as: revegetation, screening, fencing, creation of wetlands mitigation/replacement in accordance with the standards of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection, emission control, traffic control,

noise control, relocation of people and/or businesses and land acquisition.

- AA. Irreversible Impacts. Any irreversible environmental changes which would occur due to the proposed project should it be implemented. To indicate such changes, the use of non-renewable resources during the initial and continued phases of the project shall be discussed. Further, the loss of environmental resources shall be indicated through a presentation of the quantity of loss and related qualitative effects.
- BB. Pre-occupancy Development. All development in the pre-occupancy permit stage in the Township at the time of the filing of the preliminary or final plans, as the case may be, shall be presented in a tabular form as a separate section of the document. In addition, the information provided in Subsection 3N, O, P, Q, R and S shall specifically analyze the impact of the proposed development with respect to those developments already approved and/or submitted for approval in the Township.

6. Educational Impact Study. An application for a major subdivision or the creation of six or more lots on a single property shall include an educational impact study describing the impact of the proposed development on the educational system of the WCASD and the Township, as described in this section.

A. Required Information for the Educational Impact Study.

- i. Operating cost per student using the Pennsylvania Department of Education Form PD 2-2058, "Instructional Expense Computation," obtained from the WCASD.
- ii. School district millage rate (obtained from the Township Tax Collector).
- iii. Assessment factor (100% of total assessment value).
- iv. Current available capacity for elementary school (obtained from the WCASD).
- v. Current available capacity for secondary school(s) (obtained from WCASD).
- vi. Capital cost per student for providing new education facilities (obtained from WCASD).
- vii. Debt constant to determine annual cost of borrowed capital funds (obtained from WCASD).

B. Method of Determining Fiscal Impact on Educational System.

- i. School District Tax Revenue Generation. Multiply the total dollar value of the development by the assessment factor; multiply the result by the school district millage rate.
- ii. Development-Generated Operating Costs. Multiply the number of school-age children to be generated by the operating cost per student.

- iii. Development-Generated Capital Costs. If the number of school children generated exceeds the current capacity of the Township school(s), determine the development-generated capital costs of the new school facilities by multiplying the number of students over capacity by the capital costs per student for the new facilities. Multiply the result by the debt constant. This gives the annual debt service cost.
- iv. Net Impact Assessment. Add the operating costs and capital costs generated by the project, and subtract that number from the school district tax revenue generation to determine the educational cost impact of the development proposal.

C. Standards and Criteria for Determining Additional Educational System Impact.

- i. The following standards shall be used in determining the operating costs per student:
    - a) Classroom size of 20 students per classroom.
    - b) Site size to conform to the standards mandated by the Pennsylvania Department of Education.
  - ii. The existing school system (total elementary and secondary classroom and site size) shall be compared to the anticipated enrollment of the entire enrollment estimated from the proposed development and other approved but unbuilt developments.
  - iii. The Township shall not accept any educational impact statement prepared directly or indirectly for a developer by an employee or official of the local school district or the Township.
5. In making its evaluation, the Board of Supervisors, and/or the Planning Commission, may request any additional information it deems necessary to adequately assess potential environmental impacts. Whenever any information required in this section is assumed not directly applicable to the proposed project, the applicant shall indicate such assumed inapplicability in the narrative of the EIA report, and state why such information is considered to be inapplicable in the case of the particular project in question.
  6. The EIA report shall be prepared by a planner certified by the American Institute of Certified Planners or its equivalent in collaboration with other licensed professionals. All persons who participate in preparing the report shall be identified and their qualifications stated. All sources of information shall be identified when presented and a bibliography shall be attached to the report. All work in the report shall be in conformity with recognized engineering, architectural and planning practices and principles. The Township may retain its own expert to evaluate the EIA report. The cost of the expert shall be a cost of the review of the project which shall be borne by the applicant.
  7. The Board of Supervisors shall not approve the project unless it determines and finds that the proposed development:
    - i. Will not result in appreciable adverse effects to the environment and the



- protected values set forth in Art. 1, sec. 27 of the Pa Constitution.
- ii. Preserves and protects public natural resources;
  - iii. Will not, individually or collectively, place a disproportionate or excessive demand upon the total resources available for such proposal and for any future proposals.

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