

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, September 3, 2008 - 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
Mr. Michael Corbin, Member
Mr. Charles Giordano, Member
Mrs. Deborah Marshman, Member
Mrs. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Scott T. Piersol, Township Manager
Mr. Matthew VanLew, Roadmaster
Mr. Michael Mayhew, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Opening of Meeting

Mr. Rawlings opened the meeting at 7:30 P.M. with a Salute to the Flag. There were 2 visitors present.

Planning Commission Minutes – August 6, 2008

Mr. Rawlings asked if there were additions or corrections to the August 6, 2008 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mrs. Moser seconded the motion, with all voting Aye.

Hillendale

The applicant is granting an extension to review this subdivision application until December 31, 2008. Mrs. Smedley said that we received a copy of their Sewerage WQM permit last week, but has no additional recent updates on the property. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension until December 31, 2008. If the applicant needs further extensions it will need to be provided by the December Planning Commission meeting. Mr. Cushman seconded the motion, with all voting Aye.

AWI/Croppers

Mrs. Smedley reported that the applicant is granting an extension to review this land development application until December 31, 2008. Last month, Mr. Piersol and Mr. Cushman met with Leonard and Richard Blair to discuss the preliminary plan that has been approved for a portion of the Watters Tract. They were provided a copy of the approved preliminary plan and will contact the Township if they are interested in

developing the property. At that meeting Mr. Piersol explained that the Township expects the proposed boulevard road to be built in accordance with the approved preliminary plan and also expects that the on-site sewer treatment plant will be decommissioned, with the sewage diverted to the Applecross Sewage Treatment Plant, and fire sprinklers will be installed in the store. The Planning Commission is concerned about recommending additional extensions without an assurance that the plan will be able to move forward. Mr. Rawlings made a motion to recommend the Board of Supervisors accept the extension until December 31, 2008, but will not recommend further extensions without a firm plan for expansion of the store. Mr. Thomas seconded the motion, with all voting Aye. The applicant will be invited to attend the December 3, 2008 Planning Commission meeting to discuss this.

HeatherWynd Dump Remediation

On August 22nd a site meeting was attended by Mr. Piersol, Mr. Corbin and Mr. VanLew, Mr. Cantlin from Yerkes, Mr. Welsh from Applied Environmental Management, Inc., and representatives for Gambone Brothers Development Corporation. The group inspected the additional cover of soil placed along the back slope and the topsoil placed across the cap area. It was noted that the stormwater inlet had been lowered to a functional height and the area was regraded to direct runoff to the basin. Two hand auger holes were placed along the north slope and one on the center of the cap area, with a minimum 24" of cover confirmed in each location prior to reaching the underlying fabric.

The group agreed that the following work needs to be completed before the Township will accept the remediation as complete:

- A rockhound will be used to remove rocks and large stones;
- The cover soil would be hand picked to remove glass and debris;
- The silt fence will be repaired along the toe of the slope around the north and east sides of the cap. When necessary, new silt fence will be installed behind the existing fence and the soil graded out prior to seeding;
- Prior to seeding the Township Engineer will be notified to allow for final inspection;
- The entire cap area will be hydroseeded with a mixture of crown vetch and rye placed along the north slope and a mixture of rye, fescue and blue grass placed over the remaining areas;
- Straw mat will be stapled in place along the north slope areas that receive crown vetch, the straw mat will be used in place of Curlex;
- Hay bales will be placed along the top of the slope to minimize surface runoff over the north slope area;
- Following hydroseeding, four concrete monuments will be surveyed and placed to establish the limits of the dump area prior to placement of the soil cap;
- A final as-built survey will be completed for documentation of the cap system;

- A final report will be prepared for the Township and the Pennsylvania Department of Environmental Protection.

Mr. Corbin remarked that he was surprised at the amount of glass found in the top soil. This might be attributed to the presence of some smaller dump areas throughout the site. It was recommended that Mr. Cantlin inspect the top soil pile once again to ensure that the bulk of the glass has been removed. Mr. Rawlings suggested that seeding be completed by September 15th.

Corner Ketch Landing

Mr. Piersol reported that Mr. Cantlin had a site meeting with the developers and Adam Sauers from the Chester County Conservation District to discuss issues regarding a problem with one of the basins on the property and the need to mow Lot 4. Mr. Piersol will follow-up with Mr. Zalkind this week to schedule a meeting with Mr. Rawlings and himself to resolve any of these issues the issue of the replacement trees and dead trees. Mr. Rawlings stated that the tree replacement should be done in October or early November. The Planning Commission would like to see these issues settled as soon as possible and may recommend that the Township take action against the developer if they aren't completed in a timely manner.

All Terrain Vehicle Ordinance

Mr. Rawlings stated Mrs. Smedley will schedule a meeting to discuss updating the Ordinance for sometime this month. He went on to say that he was very disappointed that the Ordinance hasn't been passed yet since there are on-going environmental issues and the use of ATV's has personally affected him and his neighbors. Mrs. Moser stated that ATV's were running throughout the day last Saturday in the vicinity of the Rothman Tract. The Planning Commission remains very concerned about this issue. Mr. Cushman made a motion to recommend that this item be placed on the October Planning Commission Agenda to consider recommending that the Board of Supervisors adopt the ATV Ordinance drafted on May 28, 2008. Mrs. Moser seconded the motion. Mr. Cushman, Mr. Corbin, Mr. Giordano, Mrs. Marshman, Mrs. Moser and Mr. Thomas all voted Aye. Mr. Rawlings recused himself from voting.

Hide-A-Way Farms Swale

On Wednesday, August 13th, Mr. Piersol, Mr. VanLew and Mr. Cantlin met at the site with Earl Cooke, General Manager of Southdown Homes. There was erosion occurring along the roadway due to two factors. The first is that the grade of the roadway is accelerating stormwater during rain events. The second is that the BCBC sub-base extends three feet past the wearing course only allowing three to five inches of soil and grass over the area. Mr. Cooke stated that they have filled this area with topsoil and have seeded, but have not been able to staple matting to hold the area until grass is established

due to the thin layer of soil. Mr. VanLew stated that this will likely be an ongoing problem. During times of drought the grass will die and then won't be able to hold during rain events. Mr. Cooke has cut diversion ditches into the inlets, but these have not directed all of the stormwater into the inlets. The removal of the three foot extensions of the base course was discussed since they serve no purpose and are contributing to the erosion.

As a temporary measure it was agreed that Southdown would install asphalt curbs from the corner of the inlet to the top of the base course to redirect most of the stormwater into the inlets to help reduce the amount and velocity of stormwater running down the edge of the roadway. Mr. Cooke was asked to formally submit this solution to the Township for their files. It was also determined that most of the swales are graded properly and will work according to their design when the two inches of wearing course are applied to the finished road.

According to Mr. VanLew and Mr. Mayhew, the road has been constructed in the proper location and according to the approved plan. It is their opinion that the design itself is inferior and those specifications should not be used again. It was also noted that before the Township accepts dedication of the road swale it will need to be stabilized. Mr. VanLew stated that he will ensure that the swales work properly prior to dedication. Mr. Thomas remarked that some of the inlets appear to have sunk. Mr. Mayhew said he would look at the profile to ensure they were properly installed. Mr. Thomas also stated that it has taken a lot of time between when this issue was first raised until now. Mr. Rawlings stated that he hoped that we finally have a solution. The Planning Commission thanked Mr. VanLew for attending the meeting and providing an update on this issue.

Hopewell United Methodist Church – Update

Mr. Piersol reported that in his last conversation with Mr. and Mrs. Gastrock it appears that their issues regarding water run-off have been resolved. He also stated that Mr. and Mrs. Flynn have had no recent complaints. Hopewell Church has some of the trees cleared in back of the sanctuary and have put down topsoil and seeded to resolve Mr. and Mrs. Healeys' problems. Mr. Cantlin will need to inspect the site and will also need to make sure that the orifice installed in the basin is working properly.

Mr. Rawlings asked about the Planning Commission's request for a fence to be installed along Hopewell Road. Although PennDOT has indicated that a guardrail can't be installed in the road right-of-way Planning Commission members believe that a fence can be installed outside of that area. The Planning Commission remains concerned about safety issues along Hopewell Road. Mr. Piersol will speak to Mr. David Cloetingh about this issue.

Cumberland Ridge

Mr. Thomas stated that it appears there isn't adequate sight distance at the Cumberland Drive entrance closest to Rock Raymond Road. Mr. VanLew has discussed this with Mr. Cantlin who has made the developer aware that this issue must be resolved. According to Mr. VanLew, the developer would like Yerkes to mark which trees should be removed

and let them know what other measures they should take in order to achieve adequate sight distance. It is the Township's position that this is the responsibility of the developer and it is not the role of the Township, or their engineer to do this work. Until this issue is resolved the Township will not accept dedication of Phase I of the development.

Ordinance Task Force

An addendum to the Vision Partnership Program Grant Agreement has been awarded, extending the contract timeline six months to March 31, 2009 for work on the Township's Comprehensive Plan Update and the Village Master Plan. This time has been added to accommodate the completion of pending work, county reviews, and plan adoption.

Downingtown Area School District

The Downingtown Area School District is gathering information on several parcels in East Brandywine Township for construction of a middle school. Mr. Piersol will provide updates to the Planning Commission as they are warranted.

Wawa

Several parties have expressed interest in purchase of the Guthriesville General Store. The marketing period expires September 9th. It is the Historical Commission's opinion that the site primarily has Worsham soils, which may prevent issuance of a building permit. Mr. Piersol has asked the applicant's attorney to provide a copy of the December 5, 2001 DelVal soils report. To date, the Township hasn't received a copy of the report.

Mr. Piersol spoke to the applicant's attorney the previous weekend and asked him to have the weeds cleared from the property on behalf of his client.

Other Business

The Planning Commission asked when the property owner at 397 North Buck Road would replace trees along Hopewell Road, as agreed upon in their recent zoning hearing decision. Mr. Piersol reported that he spoke to the homeowner who plans to plant the trees this fall.

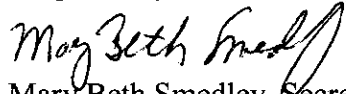
Comments from the Audience

Mr. George Holmes asked if the Township was taking any action against the owners of three properties in the Village of Guthriesville, which he considers to be dilapidated. Mr. Piersol stated that the Township has taken action against property owners Lalit and Angeli Verma who are now being fined daily until they completes improvements on two of the buildings. The third building, the former Guthriesville Tire and Service Center, while not aesthetically pleasing, is structurally stable.

Adjournment

There being no further business Mr. Rawlings made a motion to adjourn the meeting. Mr. Thomas seconded the motion, with all voting Aye. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary Beth Smedley". The signature is written in black ink and is positioned above the printed name.

Mary Beth Smedley, Secretary/Treasurer