

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION**

Wednesday, February 4, 2009- 7:30 P.M.

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mrs. Deborah Marshman, Vice-Chairman
Mr. Charles Giordano, Member
Mrs. Sandra Moser, Member
Mr. Mervin Thomas, Member
Mr. Ray Crossan, Ex-Officio Member
Mr. Carl Croft, Ex-Officio Member
Mr. Michael Wagoner, Ex-Officio Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew, Yerkes Associates Inc.
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mr. Michael Corbin, Member
Mr. Stephen Cushman, Member

Opening of Meeting

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

Planning Commission Minutes – January 7, 2009

Mr. Rawlings asked if there were additions or corrections to the January 7, 2009 minutes. There were none. Mr. Rawlings made a motion to approve the minutes as presented. Mrs. Marshman seconded the motion, with all voting Aye.

HeatherWynd West

At a previous meeting, Mr. Rawlings said that the curbing at the HeatherWynd West entrance hasn't been installed and he thought this might be a safety issue. Mr. Piersol stated that curbing isn't required until dedication of the roadway. PennDOT is aware that the curbing hasn't been installed and have approved this so that the contractor can complete utility work.

Mr. Yerkes and Mr. VanLew visited the site approximately two weeks ago to look at the upright curb. Although they didn't feel there was a safety concern they did ask Building Inspector Jeff Cantlin to contact Gambone Brothers to request they install a reflective delineator curb at the entrance onto HeatherWynd Farm Blvd. Mr. Cantlin reported that the reflective delineators were installed, but two delineators were placed on the east side

of Corner Ketch Road. He said one of the delineators will be placed in the correct location no later than the end of the week.

Cumberland Ridge

At a previous Planning Commission meeting, there were concerns that there isn't adequate sight distance at the Cumberland Drive entrance closest to Rock Raymond Road. Mr. Cantlin spoke to T.R. Moser this afternoon about clearing that needs to be done to meet sight distance requirements at the intersection of Cumberland Drive and Buck Road. Mr. Moser agreed to start the clearing within the next few weeks. There is one large specimen tree in the area and it is uncertain whether it will need to be removed. Mr. Moser will have all the other trees and brush cleared and then will evaluate if the specimen tree can be saved. Mr. Moser will notify Mr. Cantlin before the clearing begins.

Rothman Tract

Mr. Piersol stated that Mr. Yerkes was to visit the property today to inspect the barn and house, but was unable to do so because of a family emergency. He will follow-up with Mr. Yerkes later in the week.

Mrs. Marshman said it appears the tarps on the house and barn are secure, but the barn door is still open. Mr. Rawlings said that there is still a gaping hole on the peak of the barn roof that needs to be secured with a tarp.

Mr. Piersol hasn't heard anything more from PADEP, the applicant or the applicant's engineer about the inspection of the dam that was done on July 30th. Mr. Piersol did speak to one of the engineers at Herbert E. MacCombie who indicated Dennis O'Neil, the engineer of record, would be applying for an H₂O State grant. Whether this would be to remove the dam or restore it isn't known. Mr. Piersol stated he thought that Robert Lonsdorf from the Brandywine Conservancy was to provide a report on the condition of the dam. He will contact Mr. Lonsdorf about the status of the report.

Mr. Thomas asked about the gears to the dam and whether they can still be used. Mr. Rawlings stated they were used to divert water into the raceway. Mr. Thomas said that he hopes the gears can be saved even if the dam is removed at some future date. The Bondsville Mill Committee wants to ensure that water from the dam still flows into the millrace and can be controlled by the gears.

The Planning Commission remains concerned about the state of the dam. They hope that the applicant can make the corrections suggested by PADEP before it is in such a state of disrepair that it can't be saved. Mrs. Marshman stated that the applicant agreed to repair the dam as part of their preliminary plan approval.

Demolition by Neglect

Mr. Thomas asked for clarification of “demolition by neglect” and whether it pertained only to residents or whether other structures were included. Mr. Piersol thought the “demolition by neglect” provisions pertained to any historic structure as defined by the ordinance. Mr. Thomas said that the reason he asked was that there is an outbuilding behind the barn on the McFarland property that is missing a lot of shingles and may meet the criteria for “demolition by neglect”.

Mama Lena’s Building Status

Mr. Piersol reported that he spoke to Mr. DiGiamberardino earlier today who indicated that he was waiting to hear from Historical Commission Chairman John Black to discuss the Mama Lena’s building. Mr. Piersol will contact Mr. Black so that he follows up with Mr. DiGiamberardino. Mr. DiGiamberardino stated that he would be marketing the property shortly. At present, Mr. Piersol doesn’t know the asking price for the property.

ATV/Noise Ordinance Meeting

Mr. Rawlings said that the next ATV/Noise Ordinance meeting is rescheduled for Monday, March 2, 2009 at 7:30 P.M. and will be discussed at the next Planning Commission meeting.

AWI/Croppers

Mr. Rawlings informed the Committee that the next extension to review this land development application expires on March 31, 2009. Planning Commission members were provided with a copy of the Yerkes March 11, 2008 letter to review prior to the March 4, 2009 meeting. The applicant has been invited to attend that meeting to discuss any progress they have made towards finalizing their land development plan. The Planning Commission recognizes that there are unique circumstances which have necessitated the Township accepting numerous extensions to review the plan, however, they have reservations about continuing to recommend the Board of Supervisors accept further extensions without some assurances that progress is being made.

Planning Commission members questioned whether the most recent plan submitted by AWI was a new plan or a revision of the existing subdivision. Mrs. Smedley said that she had asked Mr. Giannantonio about this and he indicated that it could be treated as an existing submission. She will forward a copy of Mr. Giannantonio’s memo to the Planning Commission members and to the Planning Commission Solicitor for his opinion.

Dilworth Tract

Mrs. Smedley informed the Planning Commission that Rouse/Chamberlin is no longer the equitable owner of the Dilworth Tract and they have withdrawn their preliminary plan and conditional use applications effective February 4, 2008.

Mr. Croft will inform the Open Space Commission since they have long been interested in obtaining conservation easements on this property, although the Committee recognizes that the Dilworth family has expressed no interest in the past.

Brandywine Creek Pipeline Maintenance Project

Buckeye Partners, L.P. is applying for a General Permit to perform maintenance on their 10-inch petroleum products pipeline in East Brandywine and Uwchlan Townships. The pipeline contains six anomalies between Shelmire Road and Rt. 282. Two of the locations are located in the Shelmire Road embankment. Three anomalies are located within the Brandywine Creek immediately adjacent to the Struble Trail, one near the center of the stream and the other two near the east bank. One anomaly is located on the west bank of the creek. The purpose of the application is to permit the features within the Brandywine Creek as the remaining two features do not involve any wetlands impacts. The proposed work includes open trenching of the creek bed so as to locate and repair both features.

In a memo dated January 31, 2009 Mr. Michael Corbin stated that the Brandywine Creek is a high quality water course of the Commonwealth and he feels it is important that the Township ensure that adequate measures are taken to protect the stream. Mr. Mayhew will review the information submitted and draft a letter to PADEP requesting that the Township be allowed to review the erosion and sedimentation control measures the applicant plans to use, as well as concerns the Planning Commission might have. A copy of the letter will be sent to Senators John Rafferty and Andrew Diniman and State Representative Curt Schroder. Mr. Mayhew will send a draft of the letter for Planning Commission members to review prior to its being sent.

Ordinance Task Force Items

The East Brandywine Township Board of Supervisors and the Ordinance Task Force will hold a public meeting Tuesday, February 17, 2009 at 7:00 P.M. to discuss the revised Comprehensive Plan and the Guthriesville Master Plan.

Downingtown Area School District

Representatives from the Township, Planning Commission and Municipal Authority will meet on Wednesday, February 11, 2009 at 10:30 A.M. to discuss the proposed construction of a middle school on the Weaver Tract.

Applecross Development

Golf Course Irrigation – Mr. Piersol reported that Craig Sullivan from Pulte Homes contacted him about discussions he has had with Aqua Pennsylvania about the purchase of bulk water for irrigation of the golf course. Rather than purchasing water from Aqua, Craig thought that they could draw water from the dam owned by the Chester County Water Resource Authority, use the Kay Wells, or possibly drill a well on the property. Mr. Piersol stated that the Settlement Agreement specifically prohibited use of the Kay Wells for irrigating the golf course. Mr. Sullivan's discussions about the use of water from the dam with Jan Bowers, Executive Director of the Chester County Water Resource Authority, were reportedly not promising.

Although Mr. Piersol told Mr. Sullivan that he didn't think the Municipal Authority would be receptive to supporting a well to be drilled on the property, he suggested that Pulte draft a letter explaining the reasons the Authority should consider this alternative, including how they would preserve and protect the water supplies of downstream properties.

Fencing Issue - Mr. Thomas stated that the walking trail or golf cart path near the stone walls in the vicinity of Bollinger and East Reeceville Road is not protected by fencing and may pose a hazardous situation to pedestrians. Mr. Mayhew stated he would investigate and report back to the Planning Commission.

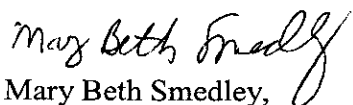
Comments from the Audience

Mr. Rawlings asked if there were additional comments from the audience. There were no comments.

Adjournment

There being no further business Mr. Thomas made a motion to adjourn the meeting. Mr. Rawlings seconded the motion, with all voting Aye. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,



Mary Beth Smedley,
Secretary/Treasurer