

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, December 1, 2004 - 7:30 PM**

Those in Attendance:

Mr. Bruce Rawlings, Chairman
Mr. Stephen Cushman, Vice-Chairman
Mr. Charles Giordano, Member
Mrs. Sandra Moser, Member
Mr. Scott T. Piersol, Township Manager
Mr. Michael Mayhew, Township Engineer
Mrs. Mary Beth Smedley, Township Secretary/Treasurer

Absent:

Mr. Michael Corbin, Member
Mrs. Deborah Marshman, Member
Mr. Mervin Thomas, Member
Mrs. Beth Valocchi, Ex Officio Member

Mr. Rawlings opened the meeting at 7:35 P.M.

Planning Commission Minutes – November 3, 2004

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

DeCovny Subdivision

The plans depict a proposed 26 lot subdivision of an existing 89.211 acre parcel (tax map parcel 30-6-20) located on the north side of Dowlin Forge Road. The parcel contains an existing farmhouse and farmstead buildings, wooded steep slopes, ponds, wetlands, and a tributary stream to the East Branch of the Brandywine Creek. The parcel is situated within the R-1 Zoning District and each lot is to be served by on-site water supply and sewage disposal. Mr. Greg Balbirnie from Robert Bruce Homes and Mr. Adam Brower from E.B. Walsh & Associates, Inc. discussed the Yerkes November 19, 2004 review letter.

Zoning Ordinance

1. Section 399-13.E – Approval from FEMA for the proposed floodplain modifications must be obtained and a copy of all approvals and floodplain map revisions will be provided to the Township. The applicant is pursuing a FEMA certification. Mr. Brower does not anticipate that a formal map revision is needed.

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3. Section 399-13.1.B(2) and Net Lot Area Definition – The location of the Riparian Corridor Conservation District (RCCD) will be delineated on the title plans and the noted net lot areas will be measured exclusive of the area within the RCCD. Riparian Corridor boundaries will be revised to extend to floodplain boundaries when the floodplain boundaries are greater than 75’ from the stream. The RCCD 75’ distance will be measured from the centerline of the stream (if intermittent) or from the banks of the stream (if perennial).

The Riparian Corridor boundaries will be revised to extend 25’ from wetland boundaries.

These changes may reduce some of the net lot areas which must be revised on the plans. Mr. Brower will provide net lot area calculations in a table form that is broken down by net lot area reduction category.

8. Section 399-14.B.3 - A wetland report complete with a narrative which explains the basis for the delineation and site photographs with a key map that will be provided. The applicant will obtain a jurisdictional determination from the Army Corp of Engineers. Mr. Brower isn’t sure when a site visit is planned by an Army Corp representative, but expects it to be within the next two months.

General Comment

45. The proposed walking trail easement area location will be discussed in a separate landscaping letter. The Planning Commission wants to make sure that the location of the trail will be able to connect with the proposed trail on the Tischler property. Mr. Piersol will provide Mr. Brower with a copy of the Tischler property plan so this issue can be addressed in future submissions.

Landscaping

Mr. Rawlings asked that if the landscape plan includes Tilia trees, they be replaced with another kind of deciduous tree. He also asked that the plan include a variety of evergreens.

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Extension

Mrs. Smedley reported that the applicant is granting an extension to review this subdivision application until January 31, 2005. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Moser seconded the motion, with all voting Aye.

Hide-A-Way Farms Trail System

The applicant provided a cost estimate for the trail system from Lyons and Hohl. This was one of two companies suggested by Mr. Giannantonio, since it was his opinion that the bid from Technivate was very expensive. Lyons and Hohl submitted a bid to install the 4' and 6' pedestrian trail. Their price is \$62,255 for the 4' trail and \$271,001 for the 6' trail. Additional costs include the 10' overlay of Special School Road, and the two bridges crossing the wetlands. This price does not include prep work, only the cost for stone and asphalt. Mr. Piersol stated that Mr. Jerrold McCarron from Wilkinson Builders would be attending the December 2nd Board of Supervisors meeting to discuss the trail system. After reviewing all the figures provided by the applicant, it appeared that the cost for constructing the trail system exceeds the \$300,000 required fee-in-lieu of open space. Wilkinson Builders has agreed to construct and entirely finance the trail system throughout the development. The Planning Commission agreed that the applicant will have met their fee-in-lieu of open space obligation if they construct the trail as shown on the plans.

Brandywine Heights - Extension

Mrs. Smedley reported that the applicant is granting an extension to review this subdivision application until February 28, 2005. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Moser seconded the motion, with all voting Aye.

AWI Croppers - Extension

Mrs. Smedley reported that the applicant is granting an extension to review this subdivision application until February 28, 2005. Mr. Rawlings made a motion to recommend the Board of Supervisors accept this extension. Mrs. Moser seconded the motion, with all voting Aye.

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Officers for 2005

Mr. Cushman made a motion to recommend the Board of Supervisors appoint Bruce Rawlings as Chairman of the Planning Commission for 2005. Mrs. Moser seconded the motion, with all voting Aye.

Mrs. Moser made a motion to recommend the Board of Supervisors appoint Stephen Cushman as Vice-Chairman of the Planning Commission for 2005. Mr. Rawlings seconded the motion, with all voting Aye.

Trail Connection from HeatherWynd Development into the Hopewell Development

Mr. Piersol provided a copy of a letter dated November 29th to Mr. Stephen Gallo at Rouse Chamberlin Homes that proposes another possible trail location between the HeatherWynd Development and the Hopewell Development. Mr. Piersol forwarded this information along to the Hopewell Development's Homeowners Association for their review and comments.

Ordinance Task Force Items

Mr. Piersol discussed the following items from the November 30, 2004 Ordinance Task Force Meeting.

County 247 Review Letters

1. It was agreed at the October 27th meeting that the Definitions should be combined for consistency. Al questioned whether we would provide a separate Definitions document to be included with the sale of each Subdivision or Zoning Ordinance, or include the Definitions section in each stand-alone document. Scott will contact General Code Publishers for suggestions on how best to handle this issue.
2. It was questioned whether an electronic version of the Definitions review done by Al Wright was available. Mr. Piersol believes he requested and received an electronic version from Mr. Wright prior to his departure, and will check his PC for this file.
3. David Sweet provided a memo summarizing the County's 247 Review letter. The following decisions were made on each bullet point of the County letters:

Subdivision and Land Development Ordinance

1. Sketch plans – County endorses
2. Trail-related definitions – leave as currently drafted
3. Trail connections & timing of installation - County endorses
4. Trail maintenance issue – the County was concerned about our current language placing the responsibility for maintenance of the lawn area around the trail on the adjacent property owner. It was agreed that a statement would be added that the Township would reserve the right to maintain the trail and trail shoulder areas. David Sweet will craft appropriate language, possibly discussing with Solicitor Halsted.
5. Proposed standards for managing open space areas - County endorses
6. Sewage & water facilities standards – as stated in David’s memo, the Township Engineer authored these standards. No further review is necessary.
7. Proposed cartway standards consistent with County functional classification document – AI will compare our standards to those provided in Figure 8 of the County’s 2004 Functional Classification document.
8. Section 350-60 & 61– consistency with the requirements of Section 509 of the MPC will be reviewed by Mr. Giannantonio and Solicitor Halsted.

Zoning Ordinance

1. Floodplain, steep slope, wetlands and water hazard soils all found to be consistent with *Landscapes*.
2. Floodplain, steep slope, wetlands and water hazard soils all found to be consistent with *Watersheds*.
3. No impact home occupations – the MPC sets stricter standards than our draft. This was previously mentioned during the VPP review. Solicitor Halsted previously advised this position was fine. Decision to leave as drafted.

4. Additional lot size requirements for Major home occupations – this issue was questioned by the County, and had been previously discussed with Solicitor Halsted. Mr. Sweet will discuss the subject again with Mr. Halsted. Mr. Fischer stated these are now conditional uses, and prefers this requirement remain.
5. Green Technology Best Management Practices definition – County feels the term is too broad. Mr. Sweet will check further with John Gaadt, who was the primary source of this definition.
6. Require additional open space when sewage facilities located within – County endorses.
7. Open space management provisions – County endorses.
8. Forestry / logging standards – David will discuss again with Solicitor Halsted on MPC provisions and performance bonds.

Comprehensive Plan Update

Scope of work is still in process. Project team consists of David Sweet, Andy Heinrich, Bob Wise, John Gaadt and Al Giannantonio. The target date for submission is the December 15th Board of Supervisors' meeting. As an alternative, should the application document not be complete by that date, Mr. Piersol advised there will be a Special meeting scheduled for late December to consider adoption of the SALDO and Zoning Ordinance amendments currently proposed as the final step in the VPP grant process. The Supervisors' approval and signatures are required to submit the application. If submitted in December, the County Planning Commission could review and approve the application in January, 2005.

Ordinance drafts

1. Article XV Off-Street Parking and Loading
 - a. Agreed with revisions to §399-104-A-1 to increase the size of 90° parking spaces from (present) 9' x 18' to 10' x 20'. Al suggested the West Goshen Shopping Center is configured with the larger spaces.
 - b. Agreed to delete §399-105-C - Small car spaces.
 - c. Agreed to delete §399-109 - Shared parking

2. §399-79 Buffering & screening of visual impacts
 - a. Add a subsection A(1)(c) which requires all persons constructing “Single-family dwellings in a clustered residential development” to comply with subsections B through E (mitigation of visual impacts, landscape design, visual impact plan, & site maintenance standards (underlined in David’s memo).
 - b. In §399-79 “Minimum Planting Guidelines, Table 1, increase the size of deciduous tree from 2 to 2.5 inches DBH, add subsection (b) for 8-foot evergreens, and 24-inch shrub height moves to subsection (c).
3. §350-53 Natural features conservation (SALDO)
 - a. Mr. Rawlings indicated that §350-53-2-b-[1][a], which provides the minimum specifications for replacement vegetation, the deciduous trees should remain as 3.5 inches DBH, not 2.5 inches as shown in the draft revisions.
 - b. Subsection 2[b][1][b] revised to require minimum 8-foot evergreen trees, and [c] set the shrub height to 24 inches (is currently 24-30 inches).

The Task Force recommended the Planning Commission recommend the final revised drafts of these amendments be provided to the Board of Supervisors for review, along with the Vision Partnership Scope of Work for the Round III grant program at their December 15th public meeting.

Adjournment

There being no further business Mr. Rawlings made a recommendation to adjourn the meeting. Mr. Giordano seconded the motion, with all voting Aye. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township