

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION  
REGULAR SESSION  
Thursday, January 9, 2020**

**Those in Attendance:**

Bruce Rawlings, Chairman  
Jim Buczala, Vice-Chairman  
Michael Wagoner, Member  
Nancy Frame, Member  
Michael Corbin, Member  
Jim Grisillo, Member  
Scott T. Piersol, Township Manager  
Lisa Valaitis, Township Secretary  
Tom Oeste, Esquire, Planning Commission Solicitor  
Nate Cline, P.E., Township Engineer

**Absent:**

Charles Giordano, Member

**Opening of Meeting**

Chairman Rawlings opened the meeting at 7:33 p.m. with the Salute to the Flag.

Vice-Chairman Buczala reminded those in attendance of Resolution 2001-08, Rules for Conduct at Public Meetings, stating, "The time allocated to each individual making a comment shall be three minutes, unless otherwise set by the presiding officer. Additional public comment may be granted by the presiding officer at the conclusion of the meeting."

**Planning Commission Minutes of December 4, 2019**

Chairman Rawlings offered the December 4, 2019 Planning Commission minutes for consideration. Chairman Rawlings made a motion to approve the minutes as presented. Vice-Chairman Buczala seconded the motion. All members voted Aye. Motion passed 6-0.

**Appointment for 2020 Planning Commission Chairman**

Chairman Rawlings stated that the Planning Commission needed to select a 2020 Chair and Vice-Chair. Vice-Chairman Buczala made a motion to appoint Bruce Rawlings as Planning Commission Chairman. Member Frame seconded the motion. All members voted Aye. Motion passed 6-0.

**Appointment for 2020 Planning Commission Vice-Chairman**

Chairman Rawlings made a motion to appoint Jim Buczala as Planning Commission Vice-Chairman. Member Corbin seconded the motion. All members voted Aye. Motion passed 6-0.

## **Weaver Tract**

### **Sewage Facilities Planning Module – Component 4A**

Solicitor Tom Oeste explained that Act 537 requires the completion of a Sewage Facilities Planning Module, which has various components. The Planning Commission is required to prepare Component 4A for a subdivision and land development applicant as part of the required Sewage Facilities Planning Module. Solicitor Oeste noted that the Chester County Planning Commission has completed Component 4B for the Weaver Tract Subdivision and Land Development application. Solicitor Oeste reviewed the completed draft of Component 4A for the Weaver Tract and recommended the following changes to the document:

- *Section C, Question 5 – Does this project propose encroachments, obstructions, or dams that will affect wetlands?* Solicitor Oeste commented that question number 5 should be answered “yes.” He recommended including the following description: “Roads, sidewalks, utilities, and houses will be constructed near wetlands and an existing pond is proposed to be removed.” Solicitor Oeste noted that the Chester County Planning Commission also answered “yes” to question number 5 on Component 4B.
- *Section C, Question 6 – Will any known historical or archaeological resources be impacted by this project?* Solicitor Oeste noted that question number 6 should be answered “yes.” He also recommend adding the following description: “Project is adjacent to the Weaver Farm and a spring house, a Township Class 1 historic resource.” Solicitor Oeste noted that the applicant/developer has offered to mitigate the impacts to the Weaver Farm. He also noted that a recent letter from PHMC indicated that they recommend additional work be done to mitigate the impacts. Vice-Chairman Buczala commented that the PHMC requested items to mitigate the impact to the historic resource in their April 2017 letter. The items requested by the PHMC were an archeological survey and an agricultural survey of Wallace Township and West Brandywine Township. The agricultural surveys of Wallace Township and West Brandywine Township were completed by others since the date of the letter. In their letter of December 6, 2019 letter to NVR, the PHMC is still requesting an archeological survey and indicated they may request additional mitigation. Manager Piersol reported that he forwarded the recent PHMC letter to the PC and the BOS with the details yesterday. Mr. Sebastian Ferrer, representing NVR, commented that the original PHMC letter included landscape buffers, which he noted they have specifically addressed with the Township’s Historical Commission. Mr. Ferrer asked if the PHMC is asking for additional mitigation beyond what the Township required. Vice-Chairman Buczala said that NVR and the Township are in agreement regarding mitigation for impacts of the development on the historic resource, as recorded in the Conditional Use decision for the project. However, what the PHMC is asking for is in addition to the items agreed to between the Township and NVR; their request is between the PHMC and NVR, and does not involve the Township. Vice-Chairman Buczala further commented that it is not uncommon for mitigation to be done outside the immediate area of impact, and that the PHMC’s request is not unusual.

- *Section C, Question 13 – Is this proposal consistent with the ordinance?* Solicitor Oeste noted that question number 13 should not be answered “yes” or “no.” He also recommended including the following description: “Preliminary land development plan under review.”

Vice-Chairman Buczala motioned to approve Component 4A consistent with the discussion. Member Wagoner seconded the motion. All voted Aye. Motion passed 6-0.

Chairman Rawlings commented that he will sign the Component 4A once the discussed changes are made to the document.

### **Ordinance Task Force Update**

Manager Piersol provided an update on the Ordinance Task Force. He reported that the Ordinance Task Force would be continuing discussions concerning Airbnb uses at their next meeting. Manager Piersol noted that he just received the Climate Adaptation and Mitigation Planning Proposal from John Thielacker with the Brandywine Conservancy. Manager Piersol noted that he will circulate the proposal tomorrow. The Task Force is considering whether to move forward with the Adaptation and Mitigation Planning now or wait until the fall and incorporate it into the Vision Partnership Program Grant Application for the Comprehensive Plan. Manager Piersol reported there is no update on the Brandywine Conservancy Model Timber Harvest/Logging Ordinance. They are waiting for a response from the Deputy Attorney General. Manager Piersol noted they will be scheduling a meeting with Solicitor Camp to discuss the Scenic Resource and Byways amendment. Solicitor Oeste noted that Solicitor Camp would like feedback from newly appointed Supervisor Ader on the Scenic Resource and Byways amendment before doing more work on the ordinance. The next Ordinance Task Force meeting is on January 15, 2020 at 7:30 p.m.

### **Public Comment**

None this evening.

### **Old/New Business**

Chairman Rawlings congratulated the Bondsville Mill Committee for a recent grant award.

### **Weaver Tract**

Township Engineer Nate Cline presented a brief update on the Weaver Tract Subdivision and Land Development Application regarding the pond, wetlands and streams. He reported that Adam Brower, Engineer for the Weaver Tract applicant, recently met with the Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. At that meeting, they determined that both the pond and wetland crossings are permittable items and they determined what permits are required. Township Engineer Cline noted that he expects a resubmission of the Weaver Tract application by next week. Chairman Rawlings asked Township Engineer Cline if he had compiled a list of review comments that require resolution for preliminary plan approval. Township Engineer Cline reported that he is meeting with Adam Brower, Lindsay Dunn, and Solicitor Camp

on Monday to discuss the list of outstanding review comments and identify those comments that need to be resolved for preliminary plan approval. The Board of Supervisors will consider the Weaver Tract application for preliminary plan approval at the February 6, 2020 Board of Supervisors meeting. Township Engineer Cline intends to issue a new review letter addressing the anticipated resubmission prior to that meeting. Vice-Chairman Buczala asked Township Engineer Cline if he would sort his review comments by preliminary plan approval and final plan approval in the future to facilitate review of the plans. Township Engineer Cline commented that he will try to accommodate this request in future reviews.

### **Adjournment**

There being no further business, Member Wagoner motioned to adjourn the meeting at 7:51 p.m. Chairman Rawlings seconded the motion. All members voted Aye. Motion passed 6-0.

Respectfully submitted,



Lisa Valaitis,  
Township Secretary