

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, March 4, 2020**

Those in Attendance:

Bruce Rawlings, Chairman
Jim Buczala, Vice-Chairman
Michael Wagoner, Member
Nancy Frame, Member
Michael Corbin, Member
Charles Giordano, Member
Scott T. Piersol, Township Manager
Lisa Valaitis, Township Secretary

Absent:

Jim Grisillo, Member
Tom Oeste, Esquire, Planning Commission Solicitor

Opening of Meeting

Chairman Bruce Rawlings opened the meeting at 7:32 p.m. with the Salute to the Flag.

Chairman Rawlings 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."

There were no public comments.

Planning Commission Minutes of January 9, 2020

Chairman Rawlings offered the January 9, 2020 Planning Commission minutes for consideration. Chairman Rawlings noted that the Planning Commission did not hold a meeting in February and the Board approved the January 9, 2020 Planning Commission minutes at the February 6, 2020 Board of Supervisors meeting. Chairman Rawlings made a motion to approve the minutes as presented. Vice-Chairman Jim Buczala seconded the motion. All members voted Aye. Motion passed 6-0.

Capriotti – Oldham Lot Line Change Submission

Mr. Michael Ryan, Esquire, an attorney representing the applicant (Estate of Margaret Capriotti) for the Capriotti-Oldham Lot Line Change submission, was present at the meeting. Mr. Ryan spoke about the Capriotti-Oldham Lot Line Change Application. He noted the following people were present: Chris Dague, Executrix of the Capriotti Estate; Tony DeSanctis, Real Estate Agent; and Jerry Miller, Surveyor with Hopkins and Scott. Mr. Ryan noted that Margaret Capriotti owned the property at 250 Corner Ketch Road, Downingtown, PA 19335 which is currently on the market. The property needs extra land to replace

the existing septic system. Mr. Ryan stated the applicant has made an arrangement with the owner of 5 Darian Court, which is a neighboring property, to purchase a small piece of that property to replace the septic system for 250 Corner Ketch Road. This application is a simple lot line revision, however they are required to go through the subdivision process because there is no separate process for a minor lot line change. Mr. Ryan noted that upon approval of the plan, the lot line will be changed, there will be no additional residences, and there will still be two lots. Chairman Rawlings asked Mr. Ryan if they will be creating any new non-conforming lots. Mr. Ryan responded by stating that they will not be creating any new non-conforming lots. Mr. Ryan explained that if the lot line change is approved, a small 5,000 square-foot area will be added to the 250 Corner Ketch Road property in a Deed of Consolidation. Mr. Jerry Miller, Surveyor from Hopkins & Scott discussed the plan details. The Chester County Planning Commission review letter notes their recommendation that the plan should show that the isolation distance between the septic system and well is adequate. Mr. Miller commented that 5 Darian Court has on-lot septic and public water. Vice-Chairman Buczala confirmed that 5 Darian Court has on-lot septic and 250 Corner Ketch Road has on-lot septic and on-site well water. Chairman Rawlings noted that both the proposed new septic system and existing well on 250 Corner Ketch Road needs to be identified on the plan to show the isolation distance.

Due to the minor nature of the application, Mr. Ryan requested that the application be considered for final plan approval rather than preliminary plan approval, in order for the application to go before the Board of Supervisors for final approval at the March 19, 2020 Board of Supervisors meeting.

Chairman Rawlings made a motion to recommend the Capriotti-Oldham Lot Line Change Application for preliminary plan approval as per the condition that the applicant will put the isolation distance on the plan. Member Wagoner seconded the motion. All members voted Aye. Motion passed 6-0.

Chairman Rawlings next made a motion to recommend the Capriotti-Oldham Lot Line Change Application for final plan approval as per the condition that the applicant will put the isolation distance on the plan. Member Wagoner seconded the motion. All members voted Aye. Motion passed 6-0.

Chairman Rawlings noted that the applicant will not have to go before the Planning Commission a second time.

Mapleview Development Street Name Revisions

The Planning Commission discussed two street name revisions made to the Mapleview Development to solve an issue with the Chester County GIS Department. Chairman Rawlings noted that the main street in the Mapleview Development, which was originally named Warren Lane, was changed to Glory Maple Lane. The street originally named Silver Maple Square was changed to Paperbark Square. Manager Scott Piersol confirmed that Glory Maple Lane will be a Township-owned road. Manager Piersol noted that Warren Road and Silver Maple Road needed street name revisions because the Chester County GIS Department notified him that Verizon had rejected these two street names. Manager Piersol explained the 911 call process and how Verizon is involved in the process. When a person calls 911, the call is routed to Verizon's central hub in Philadelphia, information is collected from the computer system about that call, and the collected information comes back to the 911 Call Center. During this process, the Verizon System grabs the first word in a multi-word street name. Manager Piersol noted that there is an existing Warren Avenue in Malvern and a Silver Fox Lane in East Brandywine Township, both of which the

County considered to be potential problems. The Planning Commission discussed the revised street names as well as alternative street names. Manager Piersol noted that the street names Glory Maple Lane and Paperbark Square may not be changed because they have already been approved by both the Chester County GIS Department and Verizon. Manager Piersol noted that the Mapleview Development plan with revised street names needs to be approved by the Planning Commission because the plan needs to be rerecorded at the County with the updated street names. Chairman Rawlings noted for the record that the Planning Commission did not like Glory Maple Lane and would prefer North Bollinger Road or October Glory Lane. Chairman Rawlings also noted that the Planning Commission would prefer Paperbark Maple Square as opposed to Paperbark Square.

Dwell at Caln – Caln Township

Chairman Rawlings noted that the Dwell at Caln Subdivision, located in Caln Township, has resurfaced for consideration by Caln Township. The Dwell at Caln Subdivision was originally considered for approval by Caln Township in 2012 but it was not approved. This proposed development's location is on Route 322 East at the bottom of the hill bordering East Brandywine Township. The developer owns two parcels, one of which is in Caln Township and the other is in East Brandywine Township. The proposed subdivision has a single boulevard entrance off Route 322 which the developer has labeled as a double entrance. This boulevard entrance is considered an emergency exit. There will be a total of 400 units in the development made up of 200 townhouses and 200 apartments. PennDOT will require a traffic light at the entrance to the development on Route 322. Manager Piersol noted that the traffic light will not need to be timed with East Brandywine Township's existing traffic lights along Route 322. Manager Piersol noted that eventually the traffic lights will be interconnected which may realistically occur in 2025. Manager Piersol reported that he received a new traffic study today and he will forward it to the Planning Commission members. Manager Piersol commented that the development has not gone before the Caln Township Commissioners and is not on Caln Township's upcoming meeting schedule.

The Planning Commission members discussed the details of the development. Member Frame asked why the development does not have a second entrance on Edges Mill Road. Manager Piersol commented that the developer does not own property along Edges Mill Road. The developer is proposing 29.31 acres of Open Space. Based on the Overall PRD Plan provided to us, it appears that they are applying all of the 17 acres located in East Brandywine Township to that Open Space area (Note that East Brandywine Township was not provided with other pages of their plan, such as the Open Space Plan to completely understand this.). Mr. Piersol indicated that this was not confirmed. Vice-Chairman Buczala noted that the pipeline easement runs through both the 17-acre property in East Brandywine Township and the property in Caln Township. Member Frame asked if anything is permitted on the pipeline easement. Chairman Rawlings stated nothing is permitted to be on the pipeline easement. He noted that the plans show dotted lines across the pipeline at a 90 degree angle because pipelines must be crossed at 90 degree angles. There was a discussion regarding pipeline limitations. Vice-Chairman Buczala posed the question of whether or not a pipeline right-of-way may be used as open space. Manager Piersol said that East Brandywine Township's Regulations would not permit this. Chairman Rawlings commented that if the developer is using the 17-acre property in East Brandywine Township as open space, then our Township will need the property to be deed restricted as open space. The Township will also need a letter from the pipeline company granting approval for the crossing/easement. Vice-Chairman Buczala commented that the developer is requesting a stormwater management design to be based on actual impervious coverage proposed in the application as opposed to the maximum allowed by the Zoning Ordinance. The actual

impervious coverage in the plan is 31.5% and the Ordinance allows a maximum of 40%. Are they going to put a restriction on building additions? There was a discussion about where the water runoff will go and potential problems with water runoff on Route 322. Chairman Rawlings commented that there are no basins shown on the plan however they are including underground basins in the development. Manager Piersol commented that the sewage will be going to either the Downingtown or Coatesville Sewage Facility.

Chairman Rawlings stated that the Planning Commission will write a letter to the Board of Supervisors requesting they send a letter to Caln Township regarding the Dwell at Caln Subdivision. Chairman Rawlings suggested including a list of the Planning Commission's comments and concerns which have been discussed in the letter. Chairman Rawlings summarized the Planning Commission's questions and comments to address regarding the Dwell at Caln Subdivision in a letter to the East Brandywine Township Board of Supervisors as follows:

- Request that the East Brandywine Township Engineer review the Dwell at Caln Subdivision Plan.
- Request a letter from the pipeline company granting approval for the pipeline crossing/easement, and clarification that the setback for the units closest to the pipeline right-of-way is consistent with safety requirements for the pipeline (e.g., blast range).
- Common Open Space:
 - Request clarification regarding the use of the 17-acre portion of the property in East Brandywine Township as "Common Open Space". Is the pipeline right-of-way included in the area tabulated as "Common Open Space" for the project and, if so, is that allowed?
 - "Common Open Space" is typically provided for use of the residents of the community for recreational purposes. Is that the case here, and, if so, will that recreation be passive (e.g., walking) and how will access be provided to it across the pipeline right-of-way?
 - If the portion of the project area in East Brandywine Township is correctly being used as Open Space, it should be deed restricted as such.
- Stormwater issues:
 - A waiver was requested in the Plan to allow the actual impervious coverage created by the project (31.5%) be used for the purpose of stormwater management calculations, instead of the ordinance requirement of 40%. Does this mean that the addition of impervious cover will be restricted by covenants in the HOA bylaws that restrict the addition of features such as patios for each of the units?
 - The project site is underlain by shallow bedrock (clearly indicated by the terrain features). Considering that the development of this property may involve some stripping off of the overburden (soil/material above the bedrock), has management of the stormwater issue been correctly evaluated? What is the current topography as compared to the post construction topography? What is the topography of the top of bedrock?
- Traffic:
 - Request review of their Traffic Impact Study. We have concerns regarding the potential of hundreds of vehicles entering Route 322 at the Route 30/322 interchange.
- Note that the concerns regarding stormwater and traffic issues are likely to affect the residents of East Brandywine Township. While the addition of vehicles to traffic is a direct effect, stormwater runoff, if not properly managed, could have an indirect effect on traffic.

- Note, also, that East Brandywine Township has been provided a very limited set of drawings for the Plan.

Chairman Rawlings made a motion to write a letter to the Board of Supervisors of East Brandywine Township with the questions they posed tonight regarding the Dwell at Caln Development. Member Wagoner seconded the motion. All voted Aye. Motion passed 6-0.

Township Secretary Lisa Valaitis will compile a list of the Planning Commission's questions and concerns. Manager Piersol will compose a letter to the Board of Supervisors with Vice-Chairman Buczala's assistance.

Ordinance Task Force Update

Manager Piersol provided an update on the Ordinance Task Force's February 19, 2020 meeting as follows:

- CCPC A+ Homes Concept – The Ordinance Task Force discussed the CCPC A+ Homes Concept at the February 19, 2020 meeting. David Sweet will review the existing language regarding in-law suites and rental units. This will be discussed further at the March 18, 2020 Ordinance Task Force meeting.
- TND-1 Language for Existing Buildings – The Ordinance Task Force discussed whether to change the Ordinance requirement that buildings of 1,500 square feet or greater require going through the Conditional Use Process. After discussing, the Ordinance Task Force recommended this requirement remain the same.
- Brandywine Conservancy Climate Adaptation and Mitigation Planning – Sustainable Community Assessment Proposal – The Brandywine Conservancy is going to start the Climate Adaptation and Mitigation Planning. Manager Piersol reported that he sent additional information to the Brandywine Conservancy last week. The Brandywine Conservancy's original time estimate for completion of 8-10 weeks has been extended to 10-12 weeks. This will lead into the Comprehensive Plan work in 2021.
- Comprehensive Plan Update – The Comprehensive Plan will be funded partially by a Chester County Vision Partnership Program Grant. The grant application is due to the County the second week in August of 2020. The Comprehensive Plan scope of work will be discussed at the March 18 Ordinance Task Force meeting.
- Brandywine Conservancy Model Timber Harvest/Logging Ordinance Update – Manager Piersol noted that the Ordinance Task Force is still waiting for the Attorney General to return red line comments (edits) on the Model Timber Harvest/Logging Ordinance draft back to the Brandywine Conservancy. If the Brandywine Conservancy agrees with the Attorney General's red line changes, then the Ordinance Task Force can move forward with this project.
- Scenic Resource and Byways Amendment Update – Manager Piersol commented that he had no update on this at this time. He noted that Supervisor Ader will be attending future Ordinance Task Force meetings and familiarizing himself with this topic.

Manager Piersol reported that the Ordinance Task Force's March 18, 2020 meeting agenda includes the same topics discussed at the February 19, 2020 meeting with the addition of "Lower Salford and West Lampeter Township examples of density bonus methods" under "CCPC A+ Homes Concept – Chester County Projects."

Public Comment

None this evening.

Old Business

Traffic Impact Committee

Chairman Rawlings reported that at the last Board of Supervisors meeting, the Board appointed a new member to the Traffic Impact Committee. He asked Manager Piersol if there were any new updates on the Traffic Impact Committee. Manager Piersol reported that he is working scheduling an initial meeting. Chairman Rawlings commented on the importance of the Traffic Impact Committee. He noted that the Dwell at Caln Development is an excellent example of why the Traffic Impact Committee is needed.

Adjournment

There being no further business, Member Wagoner motioned to adjourn the meeting at 8:11 p.m. Member Corbin seconded the motion. All members voted Aye. Motion passed 6-0.

Respectfully submitted,



Lisa Valaitis,
Township Secretary