

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, April 3, 2019**

Those in Attendance:

Bruce Rawlings, Chairman
Jim Buczala, Vice-Chairman
Michael Corbin, Member
Nancy Frame, Member
Charles Giordano, Member
Michael Wagoner, Member
Jonathan Wright, Member
Jim Grisillo, Associate Member
Scott T. Piersol, Township Manager
Mary Kemble Slade, Secretary/Treasurer

Absent:

Thomas Oeste, Planning Commission Solicitor

Opening of Meeting

Chairman Rawlings opened the meeting at 7:30 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."

Planning Commission Minutes of March 6, 2019

Chairman Rawlings offered the March 6, 2019 minutes for consideration. Member Wagoner made a motion to approve the minutes as presented. Member Wright seconded the motion, with all members voting Aye. Motion passed 7-0.

458 Dilworth Road – Proposed Agricultural Security Area (ASA) Addition to East Brandywine Township

Manager Piersol summarized this proposal for the Commission members, submitted to the Township for inclusion in the Township's Agricultural Security Area (ASA). The proposal is to add Tax Parcel 30-2-56, located at 458 Dilworth Road, and consisting of approximately 18 acres, to the existing ASA. Manager Piersol explained that this is the former Brown Farm, surrounded by the East Brandywine Township Community Park. He noted that this application was first submitted to the County rather than the Township, and therefore the Township Solicitor's office has assisted in handling some of the logistics and notice requirements to ensure the property is properly considered and included in the ASA. Manager Piersol recommended that the Planning Commission recommend this addition to the ASA to the Board of Supervisors. Chairman Rawlings motioned to recommend that the Board of Supervisors include parcel 30-2-56 in the East Brandywine Township Agricultural Security Area. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 7-0.

NV Homes / Weaver Tract – Historic Commission & Conditional Use Updates

Chairman Rawlings wished to revisit some items related to this project, and make note of any additional comments the members may have given the Conditional Use hearing scheduled for tomorrow evening. Chairman Rawlings noted that the Township Engineer has just completed his review of the Preliminary Subdivision and Land Development Plan, and that this review provides guidelines of which the Commission members should be aware. He also recommended that the Board of Supervisors consider past Planning Commission meeting minutes including comments and recommendations on this project, as well as the Historical Commission's concerns regarding the screening and buffering of the springhouse.

Vice-Chairman Buczala elaborated, advising that the Historical Commission has met with and been in communication with Sebastian Ferrer of NV Homes regarding mitigation for impacts of this development on the Weaver Tract on the historic resource that is the Weaver Farm. The springhouse is connected to that historic resource, and NV Homes has adjusted their plan to allow mitigation for the impacts. He noted the status of the agreement with the Historical Commission is laid out in emails between Historical Commission Chair John Black and Mr. Ferrer dated March 24, March 27 and March 28, the essence being that there is substantial agreement on specific mitigation items and an intent to continue working on the details and of implementation of those items. Vice-Chairman Buczala noted his belief that at the next Historical Commission meeting, discussion will be held on whether to waive the requirements of the Historic Resource Impact Study (HRIS), and they will likely do so. He requested the Board of Supervisor's consider the contents of these emails during the Conditional Use process.

Chairman Rawlings asked for any other comments. Member Wagoner expressed his disappointment with the layout of the development. Vice-Chairman Buczala responded that in terms of the Historical Commission's issues, NV Homes has agreed to move two of the townhouses immediately adjacent to the springhouse to open that area up, and create a destination/sitting area in the community to make a visible connection from that to the Weaver Farm itself. With regard to the changes in the plan to address mitigation for the impact of the development on the historic resource, there, the Historical Commission is satisfied. Member Wagoner again expressed his concern with the layout of the plan, and his opinion that changes to the layout could have been made earlier in the process if more detailed plans had been provided. Vice-Chairman Buczala stated his understanding of Member Wagoner's concerns regarding the direction the buildings face, and noted that, although less extensive than Mr. Wagoner's suggestions, there is some support for that in the comments from the Chester County Planning Commission. He also noted that a concept plan was seen by the Commission and that some adjustments had been made based on previous input over the past two years.

Member Corbin commented on the Township Engineer's review letter, specifically item 3.e., regarding foresting of riparian buffers. Member Corbin expressed his opinion that this requirement should be met to the fullest extent possible. Chairman Rawlings and Member Wagoner concurred, noting the importance of restoration planting appropriate for that area and a natural habitat. Member Corbin also commented on item 4.c., regarding dwelling units relocated outside of the Steep Slope Conservation District, and the need to confirm that this has been resolved. Vice-Chairman Buczala commented on item 6, which indicates a wetland delineation report needs to be submitted by the applicant, and item 10, where Mr. Buczala expressed his belief

that a Zoning variance is not required regarding the waiving of the HRIS. Member Grisillo reiterated his recommendation for the provision of additional parking areas. Member Frame expressed concerns regarding sustaining the sale of the units, lighting at intersections, and additional traffic congestion due to several developments proposed for construction in the vicinity.

Manager Piersol advised that he and Roadmaster VanLew recently participated in a Route 322 Task Force meeting, with other participating municipalities including Honey Brook Borough, Honey Brook Township, West Brandywine Township, and Caln Township. Caln Township did not attend. The purpose is to begin working on a plan to use the 2009 DVRPC Route 322 Corridor Report as a basis to examine how to fund these intersection improvements. Manager Piersol noted that it is difficult to make an impact until something is done with the Route 30 bypass, given that is direction the majority of the traffic is headed. He added that the County Commissioners are very interested in these municipalities combining forces, and that this group is an offshoot of the Western Chester County Council of Governments. Manager Piersol informed of the availability of various grant-funding programs, and that he is looking at how the Township can take action on the East Reeceville Road extension, noting this will require a public/private partnership to accomplish. Discussion followed on the status of the Traffic Impact Committee, and Chairman Rawlings recommended that this Committee becomes more active. Member Frame suggested some Traffic Committee members be offered the opportunity to participate in the Route 322 Task Force meetings. Manager Piersol will follow up on this item.

Estates at Dowlin Forge Station – Landscape Issues

Chairman Rawlings wished to bring to the attention of the members recent concerns some residents of this development have expressed regarding the installation of additional trees in front of their homes. He voiced his concerns with the potential elimination of trees, noting the approved Subdivision and Land Development plan requires their installation. Member Wagoner pointed out that some of the concerns are related to the trees being placed in proximity to utility lines, and the idea is to work with the property owners to relocate them. Manager Piersol advised that part of the issue is that the builder upsold landscaping packages, not informing the potential buyers that there was a basic landscaping package required by the Township. Therefore some property owners are satisfied with the number of trees already placed on their property. Given this, Assistant Manager Reven has provided each property owner with a parcel plan, reflecting a snapshot of the landscaping that was supposed to be installed, and what is currently there. A list of specific concerns is being compiled. Manager Piersol advised that if there are changes to the landscaping plan, it would have to be processed through the Planning Commission and the Board of Supervisors.

Ordinance Task Force Updates

Manager Piersol reminded the members that the April Ordinance Task Force meeting has been rescheduled for Monday, April 29 at 7:30 P.M.

Manager Piersol provided the Commission members an amendment to Section 399-17 Definitions, and Section 399-01 Wireless Communications Facilities requesting a recommendation to the Board of Supervisors for submission to Chester County Planning Commission for Act 247 review. He noted this amendment to the existing section on wireless communications is due to an FCC

ruling that took effect in January, and the regulations include maximum time frames for approvals and maximum fees charged for initial applications and recurring fees. Also added were additional roads to provide reasonable accommodations for placement of mini cell towers (50' or less), with those being Bollinger Road, Creek Road, Hopewell Road, Little Washington Road, North Guthriesville Road and Rock Raymond Road. These were selected due to volume of traffic and coverage. Also added was language regarding consistency with State and Federal laws and regulations.

Manager Piersol provided the Commission members an amendment to Chapter 300, Land Use, Section 300-17 to add a new definition for Consumer Fireworks, and Chapter 399, Zoning, Article X (CS/LI) Commercial Service/Limited Industrial District, Section 399-51, providing a location in an identified zoning district for a permanent structure for the retail sale of these items. Temporary structures will not be permitted. Manager Piersol requested a recommendation to the Board of Supervisors for submission to Chester County Planning Commission for Act 247 review.

Manager Piersol also offered a stand-alone Fireworks ordinance, creating a new Chapter 160 in the Township Code to regulate the use of Fireworks in compliance with Pennsylvania Statutes. He noted this ordinance does not require review under Act 247 by the County Planning Commission, and requested a recommendation to the Board of Supervisors to advertise this ordinance for adoption.

Chairman Rawlings motioned to recommend to the Board of Supervisors the submission of the proposed amendment to Section 399-17 Definitions, and Section 399-01 Wireless Communications Facilities to the Chester County Planning Commission for Act 247 Review. He further motioned to recommend to the Board of Supervisors the submission of the proposed amendment to Section 300-17 adding a new definition for Consumer Fireworks, and Section 399-51, amending Subsection A adding the sale of consumer fireworks as a Use By-Right, to the Chester County Planning Commission for Act 247 Review. Chairman Rawlings continued his motion to recommend the Board of Supervisors advertise the adoption of the ordinance creating a new Chapter 160, titled "Fireworks". Vice-Chairman Buczala seconded the motion, with all members voting Aye. Motion passed 7-0.

Old/New Business

Chairman Rawlings advised that Member Jonathan Wright would be taking a leave of absence from July 1 through December 31, 2019. Given this, Mr. Rawlings motioned to recommend to the Board of Supervisors that Associate Member Jim Grisillo be appointed to the position of temporary full member during Member Wright's absence. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 7-0.

Member Wagoner asked Manager Piersol about recent expenditures by the Township for contracted scanning of documents for a recent Applecross related Right to Know request, and if they are reimbursable. Manager Piersol responded that they are not, due to limitations within the Right to Know Law. Member Wagoner also inquired about bamboo overgrowth he has observed within the Township. Manager Piersol advised that there is an ordinance in place and Roadmaster VanLew addresses this maintenance issue by contacting the property owners. He indicated that the Township's control over the bamboo growth was limited to line-of-sight issues at intersections.

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Member Wagoner also wished to mention preliminary conceptual drawings for development of parts of the McCausland tract, and the importance of the Planning Commission being aware and prepared to make comments and/or recommendations at a future date.

Adjournment

There being no further business, Member Wright motioned to adjourn the meeting at 8:50 P.M. Member Wagoner seconded the motion, with all members voting Aye. Motion passed 7-0.

Respectfully submitted,



Mary Kemble Slade
Secretary/Treasurer