

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
Tuesday, May 17, 2022**

Those in Attendance:

Bruce Rawlings, Chairman
Jim Buczala, Vice-Chairman
Charles Giordano, Member
Nancy Gibson, Member
Francis Taraschi, Member
Lauren Van Dyk, Member
Luke D. Reven, Township Manager
Lisa Taraschi, Township Secretary
Tom Oeste, Township Solicitor
Nate Cline, Township Engineer

Opening of Meeting

Chairman Rawlings opened the meeting at 7:00 PM 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."

Public Comment on Non-Agenda Items

Chairman Rawlings announced that Mapleview will be returning to the Commission on June 1st to discuss a new plan for parking in the community.

Variance Application: 238 Patriot Lane, Harper

Mr. Jeff Harper of 238 Patriot Lane presented his plan to the Commission explaining this is a pool project with a stamped concrete patio. He added the hardship is the shape of his lot as open space for the Hide A Way community wraps around the back of his lot. He also stated that they have already installed a stormwater pit while installing his deck which leaves enough capacity for the pool but not the decking around the pool. Mr. Rawlings asked if there would be E&S controls put into place during construction. Mr. Harper confirmed. Mr. Rawlings voiced concern that the stormwater pit be protected during the construction process. Mr. Oeste stated that if the applicant installed the pool and pool deck the variance is for 25.4%. The applicant is going to ask the ZHB for 25.4 %.

Mr. Buczala asked if there are set back issues. Mr. Harper stated there are no set back issues. Mr. Cline stated that if the ZHB approves the application Mr. Harper would have permits to submit for the project as well as stormwater. At that point the permitting/zoning team would review and pass over to the Township engineer for his review. Mr. Buczala asked if the property had the area for the additional stormwater pit. Mr. Cline confirmed that it does.

Mr. Oeste stated the question before the ZHB is, is it really necessary to have all of this impervious coverage? He added in looking at this plan there is a large area of stamped concrete. He also added his

question would be if he was on the ZHB, is this really necessary? What justifies this request, what is the hardship? Mr. Harper stated they can make the decking around the pool smaller if need be. After further discussion, Mr. Rawlings stated that they are going to leave the decision to the ZHB and not render any comment either way.

Mr. Rawling made a motion that the Board of Supervisors remain neutral in this application. Vice-Chairman Buczala seconded the motion. With all members voting Aye, motion passed 6-0

Current Applications

Final Plan Approval: The Preserve at Horseshoe Meadow

Ms. Linda Layne appeared before the Commission to ask for final approval of their project. She shared a artist rendering of the property with different styles of homes that will be available to be built as well as the sidewalk in front of the homes. Ms. Layne addressed Township Engineer Cline's review letter of May 12, 2022 speaking to comment number 30, which has to do with the existing culvert." Please document and confirm the condition of the existing 18-inch pipe on Osborne Rd and indicate if any repairs, cleaning or modifications are necessary". Ms. Layne state they would meet with the Roadmaster prior to the plan being recorded to evaluate the condition of the pipe. She added they would be responsible to replace the pipe depending on the condition. She also provided a update on the planning module stating they will need to perform a nitrate study. The module will be a few weeks out. Ms. Layne also proved an update on the general permit through the Chester County Conservation District and the DEP is about 30 days out, adding this is the initial review.

Mr. Rawlings stated that during a previous Planning Commission meeting a neighbor attended and voiced concern of the water run off down the hill onto his property at Locust Knoll Farm. Ms. Layne stated this is the low spot of the property she added they are going to increase the grading on that side a bit. She also stated they will create a berm on the back side of the property to help with water run off on the back side. Mr. Buczala added changing the farm land to a meadow will also help with the water run-off. Mr. Taraschi asked about waiver #3, requirement that building locations should generally be placed no closer that 50 feet from the boundary of any designated open space lands. Ms. Layne stated it was for the strip of land near lot 1, the access to the open space. Mr. Taraschi added that is the piece of land that the neighbor mentioned when he attended a recent Planning Commission meeting. Mr. Cline added this strip of land is a 15-foot access to the open space. Mr. Taraschi asked to confirm that there will be a fence running along that side of the property. Ms. Layne confirmed. Mr. Taraschi also inquired about buffering along lot 1. Ms. Layne confirmed that there will be buffering along side of the fence. Mr. Oeste stated that he feels it is important that the owner of lot 1 is notified that this strip of land exists. He added this is a condition of the approval in the preliminary decision.

Mr. Oeste stated that he noticed in the HOA draft that it allows septic fields and stormwater management facilities in the open space. He added his understanding was that they would not be allowed in the open space. Ms. Layne added per the Townships regulations they are permitted in the open space however; we are not doing that. Mr. Oeste asked for confirmation that eventually it will state they are prohibited.

Mr. Rawlings asked that prior to the Board of Supervisors meeting all outstanding items be addressed. Ms. Layne agreed. Mr. Rawlings asked if they would be striping Osborne Road for the crosswalk. Ms. Layne stated it is proposed on the plans. He asked if a planting schedule had been submitted and if the

Township engineer has reviewed it. Mr. Cline confirmed that he had received it. Mr. Rawlings asked if the Roadmaster and the Fire Department looked at the plans. Mr. Cline confirmed, adding there were no comments from the Fire Company, the Roadmaster and Township Engineer are working together on it resulting in comment 30 on the review letter.

Mr. Rawlings made a recommendation that the Planning Commission recommends to the Board of Supervisors that this plan go before them for final plan approval based upon our discussion this evening.

1. Compliance with the unresolved comments in Pennoni letter dated May 12, 2022.
2. Obtain all necessary outside agency permits, including resolving nitrate issues related to the septic systems
3. Prepare and submit homeowners' association documents satisfactory to Township
4. Prepare and submit open space management plan satisfactory to Township
5. Repair or replace culvert under Osborne Road as directed by the Roadmaster
6. Septic systems and stormwater management facilities shall be prohibited in the open space

Vice-Chairman Buczala seconded the recommendation. With all members voting Aye, motion passed 5-0. Member Van Dyk abstained as she is not familiar with this project.

New Business

McCausland Plank: Preliminary Plan Approval

Vic Kelly presented the Planning Commission with an overview of the project. Mr. Kelly added that they have review letters that are currently being worked on from the Municipal Authority and the Township Engineer. Discussion continued regarding the review letter from Hydra Terra. The Township has not received the review letter at this time. Mr. Kelly stated that they are progressing with the sewage planning modules.

Mr. Kelly stated in regard to the Zoning review letter, we are willing to do whatever the Township feels is best. Regarding the landscape plan we cannot physically fit what the Ordinance requires but we will do our best to get close. He added the sewer units are in the back of the buildings and you can not plant trees over those units. He also stated that their landscape architect would like to meet with the Township landscape architect to find a solution. Mr. Oeste confirmed the Municipal Authority does not want any planting in their easements. Mr. Cline added Mike Wagoner now works for Pennoni and will be doing the landscaping on this project. Mr. Rawlings added that the Board of Supervisors in the Conditional Use decision gave you the ability to reduce the numbers of plantings in specific areas and add them elsewhere. Mr. Kelly stated that the Township's Ordinance states trails are paved and open to the public. He added there may be portions of the trails that are better suited to remain natural rather than paved. The Ordinance states that if they are public trails they need to be paved; if they are near the riparian buffer, they need to be grass. He added they would like to keep the trails natural such as wood chips or cut grass. Mr. Cline suggested going back to the trails committee to get clarity on what they would like

to see. Mr. Buczala asked if they had considered connectivity with the other trails. Mr. Scott Risbin stated that initially the Planks did not want a paved trail however they are starting to warm to the idea. Mr. Buczala added the trails need to be public.

Mr. Kelly state the emergency services entrance was connected to Applecross on Par Lane. Mr. Oeste asked if the access was for emergency vehicle only or in case of an emergency would resident car be permitted to use the access. Mr. Kelly stated it is for an emergency situation. Mr. Oeste again stated then it could be used for residents of the community during an emergency. Mr. Cline asked Mr. Kelly if he has the documentation from Applecross stating this easement is for emergencies. Mr. Kelly stated the easement is on the final recorded plan, he also confirmed the Mulligan Road emergency access has been approved. Mr. Cline asked for a copy of that letter for the Townships records.

Mr. Cline stated that on the plan in Applecross/Pulte 5B there is an area documented for the future Reeceville Road extension. Mr. Kelly confirmed stated it is a 37-foot Right of way. Mr. Rawlings asked if Mr. Kelly was aware of another emergency easement going through that area.

A discussion was held regarding lighting. Mr. Cline confirmed that there was no lighting plan included in this submission. Mr. Rawlings suggested that the lighting match the lighting in the Pulte subdivision.

Mr. Taraschi asked if there is a sidewalk on both sides of the street? Mr., Kelly stated just one side. This is the standard design.

Mr. Rawlings stated the items that need to be focused on is the Pennoni review letter of May 12th and the stormwater. Discussion continued regarding the stormwater. Ms. Van Dyk voiced her concerns regarding the creek flooding three times last year in Downingtown Borough. Mr. Kelly stated they modeled the cornfields as they are today which have a high rate of runoff and run right into Beaver Creek. The fields as meadow will have a much slower run off rate, he added that is their bench mark. Mr. Cline stated that at this point they have stormwater questions and concerns. He asked if Mr. Kelly expects to need any relief for the Township code at this point in time. Mr. Kelly responded that that is still unknown at this time. He added they are in the process of setting up a meeting with the Conservation District, the area is not infiltrating at this point. Mr. Buczala stated he has concern regarding the spillways. He supported the concept of stormwater basins within the riparian buffer with the understanding that they would serve the purpose of that buffer, filtering the water prior to entering the creek, and that there would be no direct discharge from the basins to the creek. He also stated he has seen basins overfills and has concern regarding post construction as well. He asked are they all designed the same way. Mr. Kelly confirmed. He also stated that they will follow all permitting required by the Township and the County.

Mr. Cline added a concern is that you come back and tell us that you need stormwater waivers. It will cause everyone to have to relook at the plans to figure out how that can be changed. Mr. Cline added that the expectation is that this is going to be a code compliant stormwater design. Mr. Kelly stated they will infiltrate where they can. Adding this has not been discussed with the DEP regarding infiltration quality. Mr. Cline added if DEP is willing to give you credit, ok. Mr. Cline added there is still some work to be done regarding the stormwater, there are test results that are not ideal, you need to get with the conservation district and address Pennoni's comments. Do you feel the current layout the sizing are what we are going to see when you come back for recommended approval of the plan or do you think there are a lot of changes to go? Mr. Kelly stated there will defiantly be some changes.

Mr. Reven asked about naturalized basins, stating this is not typical for a Township basin. Mr. Risbin explained that his company installs these basins in areas throughout the county. He added they are becoming more popular. Mr. Cline stated that the industry is beginning to shift and things are being done differently. These basins are more like wetland basins Mr. Risbin stated that they plant wetland wips which are similar to a rain garden. Mr. Reven asked if it is consistent with the stormwater BMP manual. Mr. Kelly confirmed.

Mr. Cline stated that one of his comments was on the post construction stormwater plan to clearly identify what feature and what notes match to what feature so when the HOA asks the Township it very clear to provide the information.

Mr. Risbin added this type of basin will help keep the outflow clean stating as the water flows down through the basin it acts like a paper towel cleaning out some of the debris. Mr. Rawlings asked if there are maintenance features. Mr. Risbin stated that they know the procedure well.

Ms. Gibson asked how the basins will be maintained and who will be responsible for replacing plants if they die. Mr. Cline stated that there will be a recorded O&M agreement that will require the HOA to take care of the basins, if they do not the Township can then step in. Mr. Kelly added a few pretty good examples of these types of basins are across the street for the Downingtown West High School.

Mr. Rawlings asked if the decks are not included in the impervious surface of the calculations how much impervious surface will that add to the project? Mr. Kelly stated it's covered but not specifically mentioned. Mr. Rawlings stated that you will address the Pennoni letter dated May 12th and the County letter dated May 17th prior to coming back to the Planning Commission. He added he did not see any documentation showing the design of the drip field. Mr. Kelly stated they are waiting on getting the last bit of testing done and will make it part of the Sewage Facilities module. Mr. Rawlings asked about the 50-foot riparian buffer stating it will have basins around it. He asked if the creek will run through it. Mr. Kelly stated they will not be touching the creek. Mr. Rawlings asked if there will be a construction fence installed to keep people out of the wetland areas? Mr. Kelly stated they will install silt sock. Mr. Buczala asked if they will be disturbing any trees that are currently located in the riparian buffer. Mr. Kelly stated only the invasives, they will clean it up. The area will be disturbed as little as possible.

Mr. Rawlings asked if there will be a light installed at the 322 entrance. Mr. Kelly stated there will not be a light it will be a pull in/pull out. Mr. Rawlings asked if PENDOT has reviewed this project. Mr. Kelly stated it is part of the PENDOT application.

Mr. Rawlings asked if the driveways are 20 FT. He added one of the plans state 18 FT. He stated he read there are 44 spots for overflow parking. He questioned if this is enough. Mr. Kelly stated the homes have 2 car garages and 2 spots behind each garage. Mr. Cline added that the applicant has added additional offsite parking.

Mr. Rawlings asked why are basins counted as open space? Mr. Cline stated in the TND high density zoning district there is no minimum open space requirement.

Mr. Rawlings asked if the mailboxes have canopies. Mr. Kelly stated it has not been decided at this time. Mr. Rawlings asked if Traffic review has begun. Mr. Kelly stated it will have to go through PENDOT.

Mr. Rawlings asked if they have a location for the school bus stops. Mr. Kelly stated that they are hopeful that they will come into the development. If not, they will have a spot in the opening of the community with additional parking spots. Mr. Risbin stated that he will speak to Chris Stefani of the DASD regarding their preference.

Mr. Kelly stated they hope to be back before the Planning Commission in July with the first round of revisions.

Mr. Buczala asked if they will be removing trees in the drip fields. Mr. Kelly stated there should be no disturbance. Mr. Buczala inquired about the historic resource. Mr. Cline asked if this is still pending with the Historical Commission. Mr. Taraschi stated the applicant came before the Historic Commission the Historic Commission reviewed the potential impact and approved it. Mr. Buczala confirmed it was approved however, it was based on the plan that was before them at that time. He wanted to confirm that the plan has not changed. Mr. Kelly stated that there is no change.

There was a discussion pertaining to cul-d-sacs and loop arounds. Mr. Cline stated that this concept was approved with the conditional use. Adding we need to clean up the waivers.

Mr. Buczala asked if the applicant understands where the groundwater table is in the area of the proposed stormwater basins. He added he still has questions regarding the storm water design and fully understanding it. He Kelly stated that the NPDES is a 35-page application. They are in the process of gathering all of the information for this process.

Mr. Doug Faust a resident, residing on Locks Farm Lane stated he appreciates the work that's being put into this project. He added as a resident of the Applecross community his concern is for safety and privacy. He stated he does not want public paved trails; he prefers a natural private trail. He feels the buffers and safety are very important to their community. He added they will continue to stay involved in this process.

Township Plans

There were no new plans.

Ordinance Task Force Update

Mr. Rawlings stated the next Ordinance Task Force meeting is scheduled for May 25, 2022. The Comprehensive plan will go before the Planning Commission on July 6 for public comment and review.

Public Comment on Non-Agenda Items

There were none.

Adjournment

Chairman Rawlings made a motioned to adjourn the meeting at 9:00 PM. Vice-Chairman Buczala seconded the motion, with all members voting Aye. Motion passed 6-0.

East Brandywine Township Planning Commission
May 17, 2022
Page 7

Respectfully submitted,

Lisa Taraschi,
Township Secretary