

**EAST BRANDYWINE TOWNSHIP PLANNING COMMISSION
REGULAR SESSION
Wednesday, June 1, 2022**

Those in Attendance:

Bruce Rawlings, Chairman
Charles Giordano, Member
Nancy Gibson, Member
Mike Corbin, Member
Lauren Van Dyk, Member
Luke Reven, Township Manager
Lisa Taraschi, Township Secretary
Tom Oeste, Township Solicitor

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

There were no comments.

Planning Commission Minutes of May 4, 2022

Mr. Rawlings made motion to approve the minutes of May 4, 2022. Member Gibson seconded the motion, with all members voting Aye. Motion passed 4-0. Member Corbin was not in attendance at this time.

New Business

There was none.

Current Applications

Mapleview: Plan Changes

Mr. Don Sample responded to comments that Chairman Rawlings shared with him via email. Mr. Sample stated the Fire Marshal has reviewed the information and has stated there are no issues regarding the truck turning radius and they can safely access the community. He added the other item is regarding the mailboxes. The Postmaster is reserving comment until there is a conclusion reached on the parking and mailbox locations. He also added that the Post Office will cooperate with whatever

the Board of Supervisors chooses. Mr. Rawlings asked where the mailboxes are placed on the original plan.

Mr. Sample explained that they are placed in the cul-de-sac of Sugar Maple Square and Paperbark Square and a third mailbox near the underground basin off of Glory Maple Lane. Mr. Sample added that the Postmaster asked for the mailboxes to be placed on Glory Maple Lane during the construction phase as he thought it would be safer for the postal carrier. He added the current Postmaster is fine with them being moved to where they are to be placed as indicated on the approved recorded plan.

Mr. Sample stated at the previous meeting they showed a plan with ten alternate spaces in place of the twenty-one spaces that we proposed to delete on the eastern side of the community. Mr. Sample stated the plan before the Commission shows an additional twenty-two parking spots based on the requests for the Commission and the Maplevue Community. He added the vast majority are located central to the community. He also stated that active recreation was another item that was discussed at the previous meeting. The recreation fee was assessed during final plan approval. He added there is a trail system and a central park that will be built with courtyard space, patio pavers, landscaping and ballard lighting. The credit for recreation was reviewed and approved by Township Engineer Nate Cline. The fees were paid based on that review. He stated the open space fees will be satisfied as it pertains to the Ordinance.

Mr. Sample stated once we obtained 25% occupancy, we appointed our first resident HOA member. Mr. Tomas Zambrano is that member. He added Tomas has been working with us regarding the changes to this plan. The HOA will not switch to resident control until they reach 75% occupancy. He added the developer has the right to make the changes that are proposed as long as they are within the limits of the SALDO Agreement and Zoning Ordinance. Mr. Sample presented the changes to the Commission and audience, stating there will be an additional five parking spots perpendicular to the mailbox on Sugar Maple Square. Mr. Rawlings asked for confirmation that the children will not lose any play area. Mr. Sample confirmed. He added that there is one ADA parking spot in that location and suggested stripping one of the spots located in-front of the mailbox as an additional ADA spot. Mr. Rawlings asked would "No Parking" stripping be put into place. Mr. Sample stated it would and it is addressed on the plan.

Mr. Rawlings readdressed the question of why do you need to remove the twenty-one parking spaces and why are you suggesting removing the underground stormwater tanks and putting in a raingarden. Mr. Sample stated the additional parking spaces came to be from previous conversations held with the Commission. He advised we're not anticipating putting them in. We have met and surpassed the requirement for parking in the community. He added regarding stormwater, our original plans show two stormwater facilities, one under Sugar Maple and one under Paperbark. When we were building, we had to revise the plan based on the groundwater under Sugar Maple. He added we then had to process a minor amendment through the Chester County Conservation District. He added their requirement is that we exhaust all opportunity for underground infiltration or use the managed release practice. He also added that this community sits in a protected watershed. Mr. Sample stated mid-2021 they received notice from the manufacturers that the materials were no longer being produced for the underground rain tanks; it was at that point that we spoke to our engineers regarding an alternative. He added the raingarden method was discussed with the Conservation District. We were advised that it was necessary to process another minor amendment to retest the soils in that area for infiltration. Those tests were successful. Thus, we proceeded with the design and resubmitted to the Conservation

District. The Conservation District in turn approved it, pending Township consideration because it affected the parking.

Mr. Oeste asked if the tanks were placed under Paperbark. Ms. Sample confirmed. He added it increases capacity. Mr. Rawlings added that this will control the downflow stream better. Mr. Sample stated that the raingarden will be planted with wetland species which will pull water up.

Mr. Rawlings asked if there was a way to add additional parking into Scarlet Maple. Mr. Sample stated there is another stormwater facility that has already been constructed in that area. They would not want to reduce capacity of that facility to add more parking.

Mr. Oeste asked if there is a mailbox facility for Phase 3. Mr. Sample advised that two mailboxes will service the entire community. Mr. Rawlings reiterated that the Commission does not like the mailboxes on the main spine road, Glory Maple; they feel it is dangerous. He stated that he is also troubled that there will not be a mailbox for Phase 3. He added it seems like a long distance for those residents to walk for their mail. Mr. Sample suggested locating the mailbox on Glory Maple closer to North Guthriesville Road. He added there was significant concern from the Township Traffic Engineer regarding site lines. Mr. Oeste asked if there was a way to put a mailbox at the base of Scarlet Maple. Mr. Sample stated there is enough room to place a mailbox and room for the postal truck to turn around.

Mr. Oeste stated the people that live in the community should be informed that the mailboxes were temporarily placed on the main road during the construction phase because the Postmaster did not want to drive down those roads. He added where they are to be located now on the north end of Sugar Maple and Paperbark is where it is stated on the approved final plan for the development. He advised the applicant is not asking for any changes to those mailbox locations.

Mr. Rawlings asked the audience for comments. Mr. Tomas Zambrano, 257 Sugar Maple Square resident and the HOA president presented the following concerns to the Commission:

- He and the residents are concerned that there is now more traffic at the end of Sugar Maple and Paperbark.
- The resident at the bottom of Sugar Maple is concerned that half of the grass area being removed for the parking spots will reduce the play area for children.
- They view the above ground raingardens/stormwater systems as hazards for their children.
- He stated that their closing documents do not show parallel parking.
- They feel that one-way streets will cause more traffic, resulting in hazards for their children.
- Snow removal will be impacted due to the parallel parking on the street.
- There will be difficulty backing out of driveways due to the parallel parking.

Several other members of the Maplevue community who had concerns appeared before the Commission. Residents stated that they are worried that there may be supply chain issues regarding the underwater stormwater tanks. They had concerns regarding notification of the school district and bussing in the community. They believe that area for the children to play is lacking. Mosquito infestation is concerning to them.

Mr. Sample thanked everyone for their comments. He advised, however, that the developer has rights. He added that the developer controls the votes, the destiny and the ability to deliver the finished product. He added that we, the developer, are well within our rights to make a request for this change. There has been substantial money, time and legal counsel invested to bring this forward to the Conservation District, who has already given their approval. He added this is not the venue to settle consumer concerns with their builder. He stated they were obligated to bring the documents to the table even though the Commission already has copies of the final plan approval. Mr. Sample asked the Commission to make a motion to recommend this revision to the Board of Supervisors.

Mr. Rawlings commented that the spine road will be a Township owned road. The speed limits will be 25 or 35 MPH depending on what the engineer states. There will be one speed hump. There may be a need for a second hump which would be decided later as the community continues on. He reiterated the mailboxes should not be on the main street. He stated he understands the concern about losing green space. He also stated striping of the parking spaces needs to be worked out. He added he does not understand why the residents cannot back out of the driveways. He stated he feels the above ground stormwater system is better than underground. He advised that at some point maintenance will need to be performed on the underground system.

Mr. Greg Newel stated the current system is a mix of above and below ground rainwater systems, with infiltration being the focus. He added the Conservation District is in favor of removing the underground facility and adding a raingarden. With the raingarden, the impervious coverage will be reduced by ten thousand square feet resulting in a gain of a foot and a half of additional storage, approximately, a 40% increase in the storage area. Mr. Newel stated he is very comfortable with this change.

Mr. Rawlings asked Mr. Sample for clarification on the number of parking spaces. Mr. Sample stated the Zoning Ordinance requires 347 parking spaces. We have provided 573 spaces counting garages. Mr. Rawlings stated he is aware that the residents are not happy with the added parking in the hammer heads. He suggested removing those five spots near the mailboxes and leaving the grass area. Mr. Newell suggested shifting the spaces to one side and leaving an open space near the mailbox.

Mr. Corbin stated his understanding is the raingarden basin is to drain dry. Mr. Newel stated the raingarden has a delayed discharge; it has a smaller opening to allow the first storms to drain slowly within 72 hours. Ms. Van Dyk advised the audience to visit the raingardens that are outside of the Stem building in Downingtown. They are similar to what it will look like in Mapleview once it is constructed.

Ms. Gibson inquired as to where the springs are on the Mapleview property. Mr. Sample pointed out the springs and the direction of the waterflow.

Mr. Zambrano advised that the parallel parking spots are not in the plans that the residents received. Mr. Reven stated the approved plans are available at the County. Mr. Sample added the community is divided under ACT 68 which is the Uniformed Plan Community Act. He added each home owner purchased the footprint location of their dwelling. Mr. Sample suggested the document Mr. Zambrano is referencing is the As-Built Survey that gets filed upon completion of the structure. The Survey shows precisely where each foundation sits. He added the As-Built is only confirming that the house was built where it was intended to be built adding it does not speak to road networks or parking spaces.

Mr. Corbin inquired if the raingarden will be maintained to ensure it continues to function over time and would the HOA be responsible for its maintenance. Mr. Sample confirmed. His also inquired whether or not supply chain issues would prevent them from obtaining the underground vessel for the underground system. Also asking, are they delayed or are they not making those items any longer. Mr. Sample stated they are no longer being manufactured. Ms. Van Dyk asked if that product or a similar product was made available immediately, having discussed with the Conservation District, would the raingarden still be the preferred system. Mr. Newell confirmed the raingarden would still be the preferred system.

A Maplevue resident asked who would be responsible for maintaining the stormwater systems and how often would they need to be serviced. Mr. Newel stated the HOA would be the responsible party and inspections should be performed every six months to a year. She also inquired about the cost of that maintenance. Mr. Sample stated that information is in the HOA budget, and available for review on the resident portal.

Mr. Oeste advised the Commission to take public comment prior to making their recommendation.

A resident asked if it was possible to keep the existing parking lot next to the model home in place of losing the 21-spot lot. Mr. Oeste explained that was discussed at a previous meeting and the developer is obligated to convey those lots.

Ms. Fabrizio, resident, asked if they could cut out a portion and place the mailboxes close to where the underground facility was proposed along the spine road. Mr. Sample and Mr. Newel explained there is another raingarden proposed there.

Mr. Rawlings made the following motion recommending to the Board of Supervisors to approve the proposed plan amendment with the following conditions:

- Eliminate the underground basin and parking lot on the east side of the site near North Guthriesville Road, subject to the developer providing an additional 21 parking spaces as per the plan that was presented this evening.
- Move the five spaces on Sugar Maple and Paperbark on the east or west side and relocating the mailbox station on the opposite side or move three spots to the east and two spots to the west with the mailbox in the center.
- Establish a mailbox facility at the end of Scarlet Maple.
- Once construction is completed, the mailboxes are to be moved from the south end along the spine road to the north end of Sugar Maple and Paperbark.

Member Corbin seconded the motion. With all members voting Aye, motion passed 5-0.

Mr. Reven confirmed that the developer would be in attendance at the Board of Supervisors meeting on June 16 at 6:30 PM.

Township Plans

There were no new plans.

Ordinance Task Force Update

Chairman Rawlings presented the Commission with an update from their May 25th meeting. He stated June 22nd would be the next Task Force meeting. The second draft of the Comprehensive Plan will be presented to the Commission during the July 6th Planning Commission meeting for their review.

The Ordinance Task Force will be reviewing changes to the following Ordinances:

- Dog Sitting Uses
- Changes to TND-2 Standards and Boundaries
- R-1, R-2 and Cluster Maximum Impervious Standards
- TND-1 and 2 Standards; Intensity
- Noxious Vegetation
- Residential Guest Parking
- Timber Harvest Ordinance

The next Ordinance Task Force meeting is scheduled for June 22 at 7PM.

Public Comment on Non-Agenda Items

Mr. Tom Yinks, 45 Lakeview Court, stated that he and his wife have lived in the Township for more than thirty years. He also stated he is currently the Timbers Dam Custodian. He added the Timbers Lake is the containment basin for the entire community. He makes periodic inspections of the lake and ensures that it is operating properly. He advised that he is concerned with the amount of silt and sediment that is in the lake. He stated a couple of years ago he met with representatives from the Township as well as representatives from the developer and discussed the impact of runoff issues into the lake. He added he, as well as other members of the community, were told there would be no impact to the lake. Mr. Yinks stated the community hired a company named Clean Flow International to install an irrigation system in the lake. During that construction, they took sonar measurements of the depth of the lake. The first sonar measurement was done on May 16, 2019, which is considered a baseline. The second measurement was taken in November of 2021. The sonar shows the lake has gone from seven feet deep to six feet deep. He advised that about a foot of silt and sediment has settled into the lake. He added since Mapleview has begun construction, the lake has acquired much damage due to the silt and sediment runoffs. Mr. Yinks showed the Commission a picture of the silt and sediment that has settled into the lake. He advised that this was once a clean and clear lake. Mr. Yinks asked the Commission to consider holding the developer and builder accountable for the damage to the property and its repair. He added he is concerned if the changes to the lake continue at this rate, it will turn into a swamp. He would like the property fixed.

Several members of the Timbers community appeared before the Commission. They voiced their concern regarding the silt in the pond, the methods to prevent runoff and the fact that the water retention basins are not draining.

Mr. Rawlings asked who the appropriate contact would be to address these issues. He added there needs to be a contact for the Board of Supervisors with whom they can speak to. He added the Planning Commission is a board of recommendation. He advised that this is an issue for the Board of Supervisors. The Planning Commission can recommend that they look into this situation. Mr. Corbin added the Township Engineer should also review and make recommendations. He added the Conservation District can perform a Regulatory Review. Mr. McFadden asked if there is a Township representative or committee that could perform the inspection. Mr. Reven stated stormwater is reviewed by the Township Engineer and the Conservation District also performs inspections. Mr. McFadden asked if there is a plan for the developer to stop the water and sediment from leaving their property. Mr. Reven stated the preconstruction and post-construction states the same. That is the goal of the conveyances and best practices. Mr. McFadden stated that he wants the Board of Supervisors to come and look at the lake.

Ms. Nancy Gibson stated she would like the lake returned to the way it was prior to construction. Ms. Van Dyk asked if the Conservation District weighed in on this situation. She added based on the photos, it appears that there is a lot of sediment. She added that the Conservation District would be the ones to say if the measures in place are working. Mr. Rawlings advised as a Planning Commission we do not know what has or has not been done. We are listening to comments from the homeowners that their lifestyle has been compromised. Mr. Rawlings directed the HOA to compile a package to present to the Board of Supervisors for their feedback.

Mr. Rawlings asked Mr. Sample for if he had any comments. Mr. Sample informed he was not prepared to speak on this topic as it was not an agenda item. He stated he has never turned down a meeting with any of the parties concerned. He added if we are asked to attend a meeting with the residents of the Timbers, we will attend and have a conversation.

Mr. Rawlings stated the Commission's recommendation would be for the group to get their materials together and then ask to be placed on the BOS agenda to present their concerns to the Board. He added if they would like a representative from the Planning Commission to attend, they would be happy to accommodate their request.

Adjournment

Chairman Rawlings made a motioned to adjourn the meeting at 9:30 PM. Member Gibson seconded the motion, with all members voting Aye. Motion passed 5-0.

Respectfully submitted,

Lisa Taraschi,
Township Secretary