

Planning Commission Meeting Minutes
Wednesday, November 1, 2017, 7:30 P.M.

Commissioner Attendees: Gary Summers, Sean Rafferty, Matt Murphy, Rob Miller, Santhosh Kanjula, Mickey Bailey.

Commissioner Absent: Suzanne Breiseth.

Attendees: Consultants – Kim Venzie, Esquire, Planning Commission Solicitor; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment Non-Agenda Items:** Board of Supervisors Chairman Ricki Stumpo attended the meeting as a representative of the elected officials to express a sincere thank you to the Commissioners. She commented that the Commissioners spend a great deal of time and energy to provide the Board with recommendations and reports. The Township is volunteer-driven making the efforts of the Commissioners all that more important. She wished the best for the holidays and hoped that everyone will be back to serve in 2018. The Commissioners noted their appreciation for being appreciated.
3. **Preliminary Sketch Plan ("Plan") for Tax Parcel 63-1-8.2 Being Property Address 25 Bragg Hill Road:** David P. Damon, PE, PLS, H. Gilroy Damon Associates, Inc., appeared before the Commission along with the landowners Keith and Linda Mock, to discuss a Plan dated October 5, 2017 to construct a dwelling on a 16.98 acre undeveloped parcel. The parcel address is 25 Bragg Hill Road and is part of the 3-lot Minor Subdivision Plan of the Benzel Family Trust ("Benzel") approved in 2008. The parcel is subject to the terms and conditions of a conservation easement granted to the Brandywine Conservancy by Benzel in 1980. Although a review by the Chester County Planning Commission was not required by Act 247, the Plan was submitted and a Review and Comment Letter dated November 1, 2017 was provided to all parties for the purpose of discussion. Damon reviewed the Plan and a substantive discussion ensued regarding the following points:
 - a. The landowners have spent significant time and money in working with the Brandywine Conservancy to flag and remediate what has been identified as an extremely high quality wetland portion of the parcel; in so doing, they have limited their options for installation of a driveway;
 - b. Focus of discussion centered on the availability of access off of Unionville-Wawaset Road (State Route 842) for installation of a driveway;
 - c. Kologie noted that the approved Benzel Plan provided for subdivision only without including conceptual data for proposed driveways and dwellings;
 - d. Keith and Linda Mock were not successful when they contacted a neighboring landowner to determine the viability of negotiating a land easement for an access driveway to provide safe ingress/egress from Unionville-Wawaset Road;
 - e. PennDOT Sight Distance Calculations per Chapter 441 were distributed and while the landowners have not yet made application for a highway-occupancy permit, they are working to identify an alternative driveway location that will both avoid disturbing the wetlands and provide safe access while meeting PennDOT standards.

- f. Commissioners appreciated that the landowners are torn between preserving the ecology of the parcel juxtaposed with the feasibility of PennDOT issuing a highway-occupancy permit for a driveway that will be fraught with peril. Of concern are the liability and safety issues that are evident given the high rate of speed and number of vehicles traveling State Route 842. Commissioners urged the landowners to explore relocating the driveway access as shown on the Plan as they are personally familiar with what may be characterized as dangerous state roads in the Township given the volume of traffic, speed of vehicles, and road topography (sight distances, curvature, blind spots, slopes, etc.);
- g. Kologie noted that there are also resource protection standards within the Township Code that limit the amount of disturbance; the impact should be calculated as the project moves forward to determine if the improvements are in alignment with or exceed that which is allowed.


Commissioners agreed that the project can be relisted for a PC agenda at such time that a second iteration preliminary sketch plan is available following the landowners' conversations with PennDOT.

4. **Zoning Hearing Board Application/Alan and Paula Johnson, Tax Parcel 63-3-4, Being Property Address 1801 Unionville-Wawaset Road: James E. Fritsch, P.E., Regester Associates and Applicants Alan and Paula Johnson** appeared before the PC to discuss their desire to seek three variances along with a zoning compliance request for a proposed subdivision of the property located in the C-1 Neighborhood Commercial District. The following review documents were provided for the meeting: (1) Sketch Plan prepared by Regester Associates, Inc., dated 9/6/2017 representing an updated iteration to the 2016 Sketch Plan ("Plan"); and (2) Township Engineer McCormick Taylor Review and Comment Letter dated November 1, 2017. Fritsch presented that the property is the existing Northbrook Market Place ("Market") with 2 single-family dwellings. He noted that the Applicants attended the May 18, 2016 PC meeting at which time the PC offered overall support for the project. No proposed construction or additions are planned for the property. A zoning hearing board hearing is scheduled for December 12, 2017. Alan Johnson offered that the zoning variances are being requested as the first step for the subdivision process. The proprietors of the Market have expressed interest in purchasing the commercial structure with no interest in acquiring the 2 single-family dwellings. Lot line change is required in order to facilitate the transaction. PC discussion points included but were not limited to the following:
- a. Onsite septic and water well - Rafferty inquired as to whether service for the 3 lots will be via a community septic system and community well. Fritsch responded that Lot 1, the Market, is served by an existing on-lot sewage system and Lots 2 and 3 are served by a community on-lot sewage system. It is noted that the Applicants retained Evans Mill Environmental, LLC, to review compliance with PaDEP. PC reviewed the location of the septic and water well components as shown on the Plan noting the need to delineate sufficient septic replacement areas. Kologie offered that the Applicants are not proposing an additional water well due in part to separation distance requirements with respect to the septic system. Alan Johnson noted previous perc and soil testing without final decisions regarding replacement areas. Summers suggested, and Kologie agreed, that going forward, consideration be given to a review of the subdivision plan for Olmsted, approved in 2001, with regard to PaDEP requirements and continuity juxtaposed with the Olmsted open space. PC offered that the Applicants should consider executing an easement agreement, deed restriction, and/or declaration with regard to septic and water well access and maintenance for the 2 single-family dwellings.


- b. Ownership - Bailey inquired as to ownership of Lots 2 and 3 if the Market (Lot 1) is sold. Applicants will retain ownership of the 2 single-family dwellings that are currently rental units.
- c. General Site Comments - Alan Johnson indicated that of the 2 single-family dwellings, the stone house was built in 1784 and the other house was built in 1918. He indicated that at this time one electric meter is provided for both dwellings but could be separated going forward. Existing trees and arborvitae currently provide significant landscape buffer. Kanjula inquired as to the value of an exercise to mathematically adjust the lot size in order to meet the minimum requirements within the C-1 District which is 1.0 acre. Fritsch indicated that the lot line adjustment would not be significant when juxtaposed with the requirements for location of on-lot septage, alternate septage, and the water well.

MOTION: Miller moved, Rafferty seconded, to recommend to the Board of Supervisors and to the Zoning Hearing Board, that they consider granting the following 3 variances requested by the Applicants as discussed and presented, being: 250-29.A.1 referencing minimum lot size; 250-30.A.4 referencing landscape buffer material along property lines; and 250-30.A.5 referencing minimum contiguous area for on-site sanitary sewage disposal; motion approved.

5. **Planning Commission Members:** Summers noted that Meg Johnson formally submitted her resignation which will be listed for the Board of Supervisors November 13th public meeting agenda. PC agreed that once the Board accepts the resignation, steps should be taken to fill the vacancy.
6. **Review Open List of Ordinances:** PC reviewed a running list of potential ordinance changes or clarification of planning process concerns to discuss in 2018. It was also noted that four ordinances were approved during public hearings in 2017.
7. **Meeting Dates:**
 - a. Board of Supervisors - November 13th and November 27th
 - b. Planning Commission - does not meet during the month of December
8. **Approval of Meeting Minutes:** Rafferty moved, Murphy seconded, to approve the Meeting Minutes for October 4, 2017 as submitted; motion carried.
9. **Other Business:** no other business.
10. **Adjournment:** At 8:27 p.m., Miller moved, Summers seconded, to adjourn the meeting; motion carried.



Susan Simone, Administrative Secretary



Gary Summers, Chairman