



Planning Commission (PC) Meeting Minutes
Wednesday, May 20, 2015, 7:30 P.M.

Attendance: Gary Summers, Suzy Breiseth, Rob Miller, Meg Johnson, Sean Rafferty; Amanda Sundquist, Township Solicitor; Michael Gill, Planning Commission Solicitor.

Commissioner absent: Mickey Bailey.

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment:** no Public Comment.
3. **Trimbles Ford Building Permit Overall Plan (Subject Tax Parcels 63-1-10.2; -10.3; -10.4; 63-1-10.5 & 63-1-12):** James E. Fritsch, P.E., Dr. Susan B. Ward, Dr. Gary Wingate, and Tom Pancoast appeared before the PC to discuss the Building Permit Overall Plan prepared by Register Associates, Inc., dated April 27, 2015 ("Plan") and a Review and Comment Letter dated May 12, 2015 prepared by Township Engineer Kevin M. Matson, P.E. Dr. Ward and Dr. Wingate (Applicants) propose development of Lot 2, Lot 3, and Lot 5 all being part of the White Farm Subdivision Plan recorded in the Office of the Chester County Recorder of Deeds in December, 2007. The White Farm Subdivision was subject of a Conditional Use Decision issued September 14, 2007. The Commissioners recalled that at the time of SALDO review, the property could have been subdivided as a 13-lot community. The Applicants request waivers for SALDO Sections 190-30.B.1.b and -B.2 regarding driveway grades and construction of the shared driveway (Trimbles Ford Lane) to residential street thickness, as well as modification of Sections 250-87.L and 250-87.M regarding the greenway corridor. The Lots are located in the RA zoning district with minimal intrusion of the greenway corridor as noted on the Plan. On-site septic and water is planned. Attorney Amanda Sundquist attended as an observer and to assist the PC as PC Solicitor Kristin Camp could not provide legal assistance due to a conflict of interest. The discussion included but was not limited to the following:
 - a. Lot #5 - no determination for house location; Fritsch noted the septic testing is completed and the soils are fine; flood plain is located on the other side of the railroad tracks.
 - b. The Plan seeks to vary from the standards of the Township Ordinance with regard to steep slope percentages in order to lessen the visual impact and minimize disturbance; the tie-in of an infiltration berm will handle stormwater management while minimizing disturbances and encroachment of steep slopes.
 - c. While from all appearances the current Ordinance standards control or limit construction, just the same, erosion will not be a problem as the stormwater criteria is more stringent and adherence to the Stormwater Chapter of the Code will protect the parcels.
 - d. The 50-foot wide trail easement is landlocked, but the current landowners have no objection if it is used for equestrian traffic.

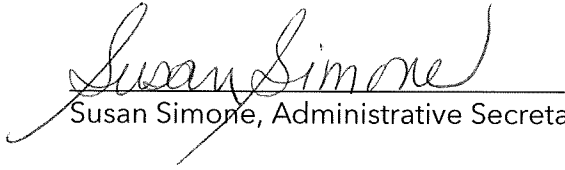
- e. Fritsch explained the impetus for submitting the sketch plan for the Trimbles Ford Shared Driveway for Lot 5 in November of 2014 was an effort to limit the area of disturbance for each Lot; however, going forward, the shared driveway is not located on Dr. Ward's Lot so while Dr. Wingate is not ready to build at this time, an NPDES Permit issued at this time will be effective for 5 years to allow potential build-out of the other Lots.
- f. Stormwater management plans will be submitted with the building permit plan.

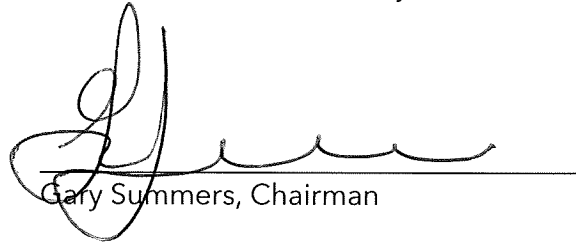
MOTION: Rafferty moved, Breiseth seconded, to support the request for waiver of SALDO Sections 190-30.B(1)(b) and 190-30.B(2) to permit the grade to exceed 8% on the north facing driveway on Lot 5 as depicted on the Plan and to permit the driveway not to be constructed to residential street thickness as depicted on the Plan; support for greenway Sections 250-87.L and 250-87.M modifications for Lots 2 and 3 for grading, pool construction, and disturbance of steep slopes as depicted on the Plan; motion carried.

4. **Component 2 Planning Module/1977 Marlboro Road/Tax Parcel 63-3-78:** Kate Dwyer appeared before the PC to discuss the sewage planning module for an accessory dwelling located on her 12.9 acre property. The accessory dwelling is a 1-bedroom apartment situated on the third floor of a garage/barn. On March 9, 2015, Mrs. Dwyer appeared before the Board of Supervisors who by motion approved, waived Code Section 250-70 requiring a conditional use hearing for an accessory dwelling. The sewage planning module was prepared by Environmental Design Services, Inc., and requires the signature of PC Chairman Gary Summers on Component 4A Municipal Planning Agency Review. PC Solicitor Michael Gill advised that Chairman Summers cannot sign the module as he cannot state that all applicable zoning approvals have been obtained. The Board of Supervisors erred in their motion to waive the conditional use hearing requirement as they are not empowered to waive a zoning requirement and overreached their authority when they did so. Mrs. Dwyer will contact the Township Secretary to obtain a conditional use hearing application in accordance with Township Code Section 250-15.C.7. Mr. Summers can proceed with signing Component 4A once a conditional use hearing is held, and presumably, the Board approves the accessory dwelling. Attorney Gill agreed that the following motion is permitted in an effort to assist Mrs. Dwyer - MOTION: Summers moved, Breiseth seconded, to approve PC Chairman executing Sewage Facilities Planning Module Component 4A - Municipal Planning Agency Review for the Dwyer Property Accessory Dwelling upon issuance of a Conditional Use Decision by the Board of Supervisors; motion carried.
5. **Driveway Standards:** Summers asked the Commissioners to review the revisions to Sections 190-29, 190-30, and 250-17 incorporated by PC Solicitor Kristin Camp. The revisions will be discussed during the June meeting.
6. **Meeting Dates:** Secretary noted that the Board of Supervisors meeting is June 8th and the next Planning Commission meeting is June 17th.
7. **Approval of April 15, 2015 Meeting Minutes:** Breiseth moved, Johnson seconded, to approve the Meeting Minutes dated April 15, 2015; motion carried.
8. **Other Business**
 - a. **Ordinance Amendment/Public Hearing in July:** Secretary reported that the Board of Supervisors authorized a public hearing to discuss and thereafter adopt the wireless communication, alternative energy, and rental unit ordinances.

b. **Commissioner Vacancies:** Secretary reported that the vacancies have been posted on the Township website since April 23rd.

9. **Adjournment:** At 8:21 p.m., Summers moved, Breiseth seconded, to adjourn the meeting; motion carried.


Susan Simone, Administrative Secretary


Gary Summers, Chairman