



THE COUNTY OF CHESTER



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May 29, 2019

Michael O'Brien, Executive Assistant
Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317

Re: Preliminary Land Development - Smith Property
Kennett Township - LD-05-19-15889

Dear O'Brien:

A preliminary land development plan entitled "Smith Property", prepared by DL Howell & Associates, Inc., and dated April 30, 2019, was received by this office on May 6, 2019. This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code. We offer the following comments on the proposed land development for your consideration.

PROJECT SUMMARY:

Location:	on the south side of Rosedale Road, west of McFarlan Road
Site Acreage:	21.24
Lots/Units:	72 units
Proposed Land Use:	Single Family Residential
New Parking Spaces:	30
Municipal Land Use Plan Designation:	Planned Neighborhood
UPI#:	62-4-216.3, 62-4-216, 62-4-216.1

PROPOSAL:

The applicant proposes the construction of 72 residential units, and 30 guest parking spaces on a 21.24 acres site. The project site, which will be served by public water and public sewer, is located in the R-4 Residential zoning district.

RECOMMENDATION: The County Planning Commission recommends that the issues raised in this letter should be addressed and all Township issues should be resolved before action is taken on this land development plan.

BACKGROUND:

1. The Chester County Planning Commission has previously reviewed a sketch land development proposal for this site. That review, CCPC# LD-08-18-15572, dated September 17, 2018, which addressed the construction of a 76 single-family residential units, with 48 guest parking spaces on a 21.24 acre site. The County Planning Commission also received a proposed zoning ordinance amendment application associated with that submission. The zoning ordinance amendment review, CCPC # ZA-08-18-15569 dated September 17, 2018, was addressed in a separate letter. In December the County Planning Commission reviewed another zoning ordinance amendment related to this site, that review, ZA-11-18-15670 dated December 3, 2018, proposed a by-right “Alternate Flexible Development Option for Single-Family Detached Dwellings in the R-4 Residential Zoning District”. Our records indicate that the Township adopted this ordinance amendment on December 19, 2018.

COUNTY POLICY:

LANDSCAPES:

2. The project site is located within the **Suburban Landscape** designation of *Landscapes3*, the 2018 County Comprehensive Plan. The vision for the **Suburban Landscape** is predominantly residential communities with locally-oriented commercial uses and facilities, accommodating growth at a medium density that retains a focus on residential neighborhoods, with enhancements in housing diversity and affordability. Additionally, roads, sidewalks and paths with convenient access to parks and community facilities should be provided. The proposed land development is consistent with the objectives of the **Suburban Landscape**.

WATERSHEDS:

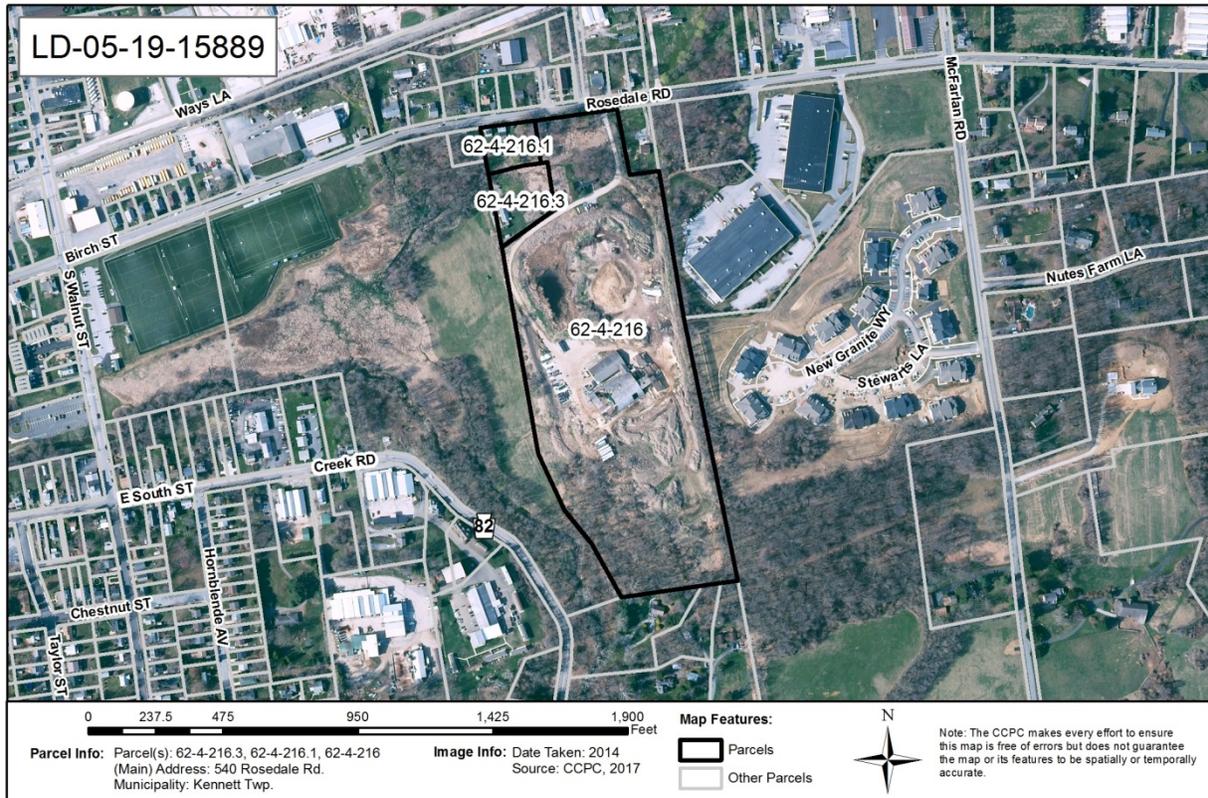
3. *Watersheds*, the water resources component of *Landscapes3*, indicates the proposed development is located within the east branch subbasin of the Red Clay Creek watershed. *Watersheds*' highest priority land use objectives within this watershed are: reduction of stormwater runoff, restoration of water quality of “impaired” streams, and protection of vegetated riparian corridors. *Watersheds* can be accessed at www.chesco.org/water.

The project site discharges to an unnamed tributary of the East Branch Red Clay Creek. It is listed by PA Department of Environmental Protection as “impaired” due to siltation and organic enrichment (low dissolved oxygen) and subject to the Christina Basin Total Maximum Daily Loads (TMDL) for sediment and nutrients. This requires Kennett Township to prepare and implement measures to reduce these pollutants from runoff to the stream to comply with its NPDES MS4 permit. To assist the municipality in meeting its pollution reduction requirements, all reasonable measures should be encouraged within the site design to reduce any existing pollutant loadings from the existing site, and to avoid any increase in these pollutant loadings during and after completion of the development.

PRIMARY ISSUES:

4. As stated in our previous review, this development could offer the Township and applicant an opportunity to create affordable housing. Two of the primary objectives of the LIVE goal of *Landscapes3* relate to providing such housing. We encourage the Township and the applicant to offer some of the proposed units as “work force housing”.

5. The site plan depicts the location of two small wetlands, which were delineated in April, 2016. It appears these will be graded over by the planned development. Review of aerial imagery indicates reduced hydrology to these wetlands (i.e., reduced footprint) consistent with lower precipitation conditions in 2017. This variation and their location near the toe of a slope indicate likely groundwater hydrology. The extreme excess precipitation of 2018 likely resulted in re-expansion of the wetlands, as was experienced in many locations across Chester County. While these small wetlands can be graded into the landscape of new development, future excessive precipitation conditions can increase groundwater and saturation levels causing such former seeps, springs and surface wetlands to re-appear. Thus, consideration of the potential impacts of future high groundwater saturation on the proposed built features in these 2 locations maybe helpful in avoiding future problems for the property owners:
 - a. Lot 24 - consideration of a foundation drainage system (sump or French drain) or foundation water proofing may be warranted. Also avoiding discharge from roof drains at this location on the lot maybe warranted.
 - b. Lots 46-47 – consideration of using driveway and roadway foundation suitable to survive potential future saturated subgrade conditions without collapse or pothole formation may be warranted.
 - c. Ensure that the applicant adheres to any relevant wetland protection standards outlined in the Township’s Natural Resource Protection Standards.
6. The state designated protected uses for the onsite tributary are Trout Stocking (TSF) and Migratory Fishes (MF).
 - a. To avoid impacts and impairments to instream habitat, please ensure that culvert outlets for the access road crossings are embedded into the natural streambed at sufficient depth to allow for the passage of aquatic organisms. This will ensure ecological continuity through the length of this tributary from the East Branch Red Clay Creek into the wetland, and will allow for the upstream passage of fish and amphibian species.
 - b. Please consider the installation of culverts that can pass volumes of sufficient capacity to dissipate outlet flow energy, increase the ease of aquatic organism passage, and lower the risk of stream bed scour, culvert blockages, and overtopping events.
7. The plan indicates an on-lot water well and septic system apparently from a former residence. The proposed subdivision is intended to be served by public water provided by Chester Water Authority. Please ensure that:
 - a. all subsurface components of the septic system have been removed.
 - b. if the water well is no longer to be used, that it will be properly closed and abandoned in compliance with Chester County Health Department regulations.
8. As suggested in our previous review, a central green space could be created to serve the entire community by reorienting some of the units sited inside the main loop road. The applicant and the Township should consider the advantages of revising the layout of the dwellings.



9. The O&M Plan should clearly define the entity responsible for long-term operation, maintenance, and inspection of stormwater infrastructure. Requirements for the frequency of inspections should be detailed in this plan at intervals that would ensure they maintain their designed functions.
 - a. Inspection and maintenance of all outfall areas should be specifically included in the O&M plan to avoid erosion at the point of discharge from the energy dissipater to the ground surface.
 - b. Inspection and repair of the retaining walls and potential erosion developing at the end corners of the walls should be included.

10. All stormwater discharges from the site are directed into Basin 1, which overflows into Basin 2. Stormwater from Basin 2 then discharges into a delineated wetland adjacent to the unnamed tributary to East Branch Red Clay Creek. Please ensure that all measures have been included in the design as needed to avoid long-term impacts to the wetland from flow velocity and erosion. For example:
 - a. Additional energy dissipation at the Basin 2 outlet to further reduce flow velocity, and spread the discharge across a broader area could further reduce erosive forces once flow reaches the wetland surface.
 - b. The O&M plan should include inspection and repair of erosion from this outfall.
 - c. Use of BMPs for infiltration of roof runoff could further reduce the volume discharged to the wetland.

11. Cumulative direct overflow of summer stormwater runoff from the entire planned development impervious area through the basins into one outlet can cause significant thermal degradation to the receiving wetland and stream.
 - a. Please ensure that the retention capacity and infiltrate rates within the planned basins are sufficient to capture and infiltrate runoff from heavy summer downpours to reduce the likelihood of thermal degradation.
 - b. Consideration of additional dispersed locations of stormwater discharges may also reduce this impact, such as BMPs to absorb runoff from roofs to minimize thermal volume carried to the single basin outlet.
12. It appears from the plan that runoff from the proposed home sites on the western side of the property (#'s 27-49) will not be captured by any stormwater system. These proposed sites drain directly into the East Branch Red Clay Creek. Steep slopes behind these houses increase the risk of accelerating stormwater runoff causing sheet and rill erosion on the disturbed soils, particularly around the ends of the planned retention walls.
 - a. The O&M plan should include inspection and maintenance of these slopes and retaining walls to prevent future erosion, sediment loads to the stream, and deterioration of the integrity of the retaining wall system.
 - b. Establishment of shrub species at the tow of this slope should be consider to further stabilize soils and to increase sediment trapping of stormwater prior to entering the riparian area.
 - c. If feasible, BMPs should be considered to capture runoff from these lots to minimize flow down the steep slopes and onto the walls.
13. We recommend that sidewalks be constructed across the entire Rosedale Road frontage and on both sides of all streets. This will improve pedestrian circulation and has a precedent elsewhere in the Township. The cul-de-sac portion of the development has no brick paver trail and associated amenities; consideration should be given to extending this trail throughout the community and adding additional connections to the sidewalk network.
14. We acknowledge that the design has been revised to vary the front setbacks of the dwelling units as suggested in our previous review.
15. The plan should indicate whether a Homeowners' Association will be responsible for the proposed common facilities/areas. Ownership, maintenance, use provisions, restrictions, and liability responsibilities associated with any common held amenities should be written into the Homeowners' Association (HOA) document. The HOA document should include provisions which allow the Township to: intervene and maintain common owned facilities; determine the schedule for Association formation; timing for construction of common facilities; and determine the schedule for transfer of ownership from developer to the HOA of common facilities. The HOA document should be submitted as part of the application to the municipality to be reviewed by an attorney versed in homeowners' association documents to evaluate the document for its completeness and compliance.

16. As suggested in our previous review the Township and the applicant should consider the need to accommodate rear decks. Many of the proposed units back directly onto the tract setback line, which would preclude the construction of decks unless a zoning variance was granted. The need for accessory storage structures should also be considered in the homeowners' document, and in the final land development plan.



Detail of sheet #2 of the plan

17. The applicant should consider another paving material for the trails that encircle the stormwater basins; woodchips are not durable.

ADMINISTRATIVE ISSUES:

18. The Offer of Dedication shown on the cover sheet of the plan contains language related to ownership and agreement to the subdivision shown on the submitted plan. This statement should be listed under an appropriate heading and include the signatures of the owners when the final plan is submitted to the Township. A statement related to the Offer of Dedication of additional right-of-way on Rosedale Road, and future ownership of the roads shown on the plan should be shown on the cover sheet of the final plan.
19. The development site is composed of three individual tax parcels, if it is the applicant's intent to combine these parcels, we suggest that a separate subdivision sheet be included in the plan set with signature blocks for all applicable signatories; this will permit the parcels to be consolidated independently from the residential development portion of the submission if there are any delays in the approval of the land development.
20. The Township should verify that all necessary ordinance relief measures to permit grading in steep slope areas have been granted and that the design of the slopes is consistent with all ordinance requirements related to permitted grades, the design and specifications of retaining walls and slope stabilization.
21. The Township's emergency service providers should be requested to review the plan to ensure that emergency vehicles will be able to safely navigate the proposed development and verify the design and location of all emergency service equipment proposed.

Page: 7
Re: Preliminary Land Development - Smith Property
Kennett Township - LD-05-19-15889

22. A minimum of four (4) copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds and the Assessment Office.
23. The applicant should contact the office of the Chester County Conservation District (CCCD) for information and clarification on erosion control measures. The provisions of the Commonwealth Erosion Control Regulations may apply to the project and may require an Earth Disturbance Permit or a National Pollutant Discharge Elimination System permit for discharge of stormwater from construction activities.

This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of Kennett Township. However, we appreciate the opportunity to review and comment on this plan. The staff of the Chester County Planning Commission is available to you to discuss this and other matters in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Bentley", with a long horizontal flourish extending to the left.

Glenn Bentley
Senior Review Planner

cc: David C. & Sally Jane Smith
DL Howell & Associates, Inc.
Chester County Conservation District
Chester County Water Resources Authority