



# THE COUNTY OF CHESTER



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March 6, 2024

Shanna Lodge, Manager  
Willistown Township  
688 Sugartown Road  
Malvern, PA 19355

Re: Preliminary Subdivision - Rock Hill Farm Acquisitions LLC (Conventional Development)  
# Willistown Township – SD-02-24-17984

Dear Ms. Lodge:

A Preliminary Subdivision Plan entitled Rock Hill Farm Acquisitions LLC (Conventional Development), prepared by Chester Valley Engineers, and dated January 29, 2024, was received by this office on February 5, 2024. 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 subdivision for your consideration.

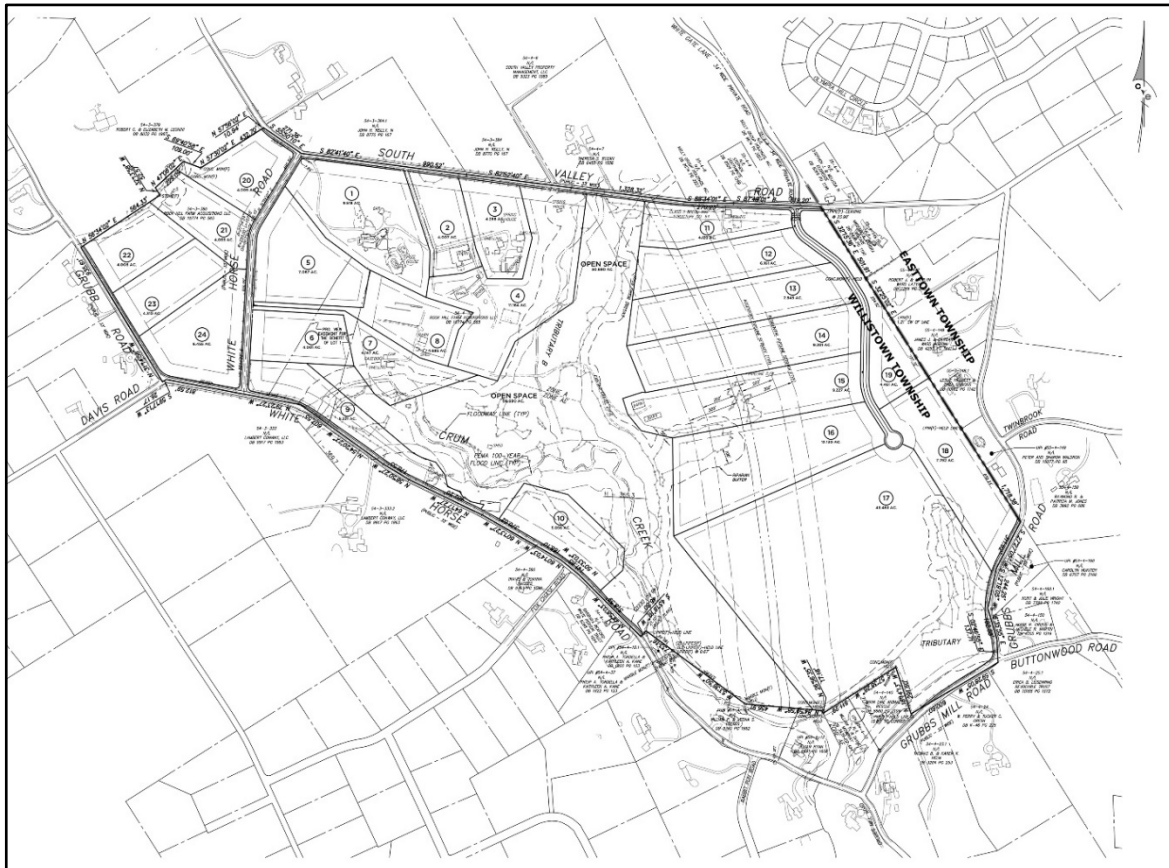
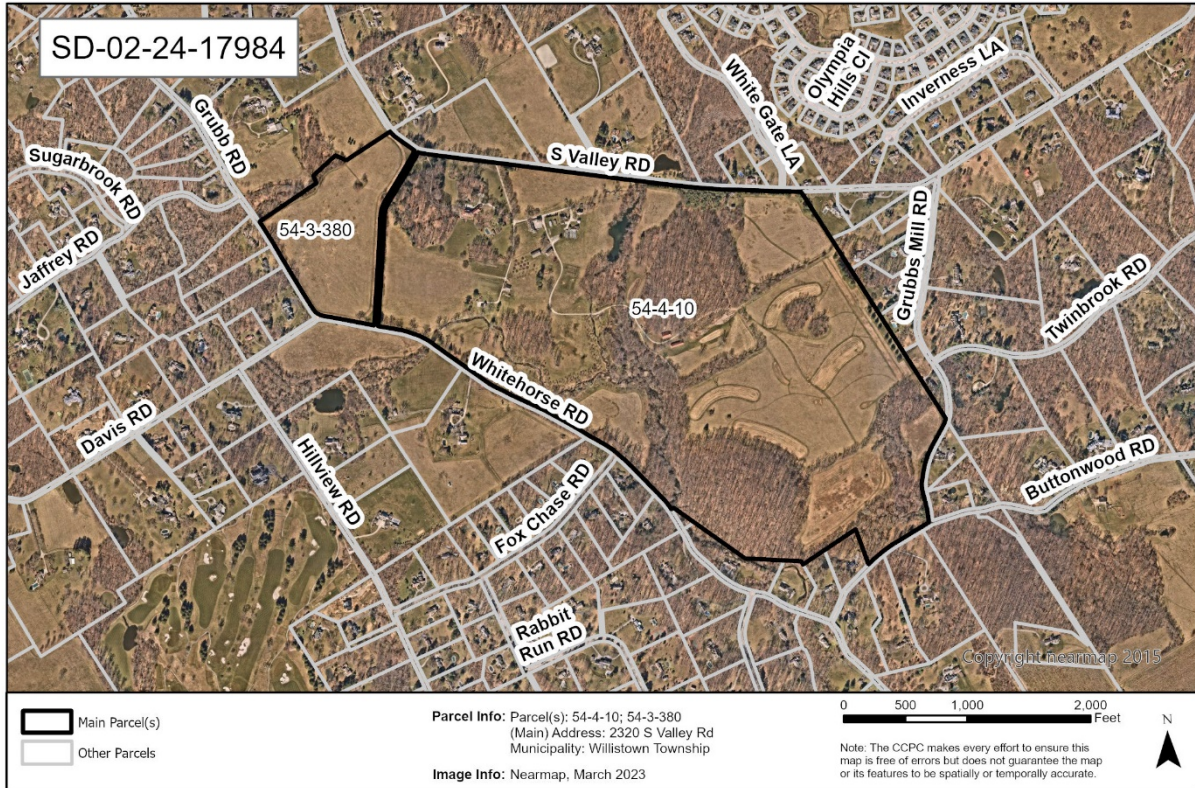
## **PROJECT SUMMARY:**

Location:	south side of South Valley Road, and the east and west side of White Horse Road
Site Acreage:	246.68
Lots/Units:	2 existing lots
Non-Res. Square Footage:	0
Proposed Land Use:	24 Single Family Residential Lots
Municipal Land Use Plan Designation:	Rural/Agricultural/Preserved/Suburban Low Density
UPI#:	54-3-380, 54-4-10

## **PROPOSAL:**

The applicant proposes the creation of 24 single family residential lots, 1,570 linear feet of public roadway, and 50.69 acres of private open space. There are existing dwellings on six of the proposed lots. The project site, which will be served by onsite sewer, is located in the RU Rural zoning district. General Note 15 on Sheet 2 states that Lots 11-19, which are situated along the proposed cul-de-sac road located on the south side of South Valley Road at its intersection with Whitegate Lane, will be served by public water, while the other lots will be served by on-site water. The easternmost portion of UPI# 54-4-10 adjoins Easttown Township.

**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 subdivision plan.



Site Plan Detail, Sheet 4 – Title Plan



**BACKGROUND:**

1. The Chester County Planning Commission previously reviewed a separate subdivision proposal for this site (dated July 6, 2022), that addressed the overall creation of 22 single family residential lots and 98.36 acres of private open space on two separate portions of the 246.68 acre tract, developed under the OSC Open Space Conservation District provisions in Article XXVI of the Township Zoning Ordinance (CCPC# SD-07-22-17284, dated August 24, 2022). This site plan indicated that a 122.09 acre portion of UPI#54-4-10 was not part of this application.

It is our understanding that a revised version of the above-mentioned subdivision plan (last revised October 24, 2023), which addresses the overall creation of 28 single family residential lots and 185.53 acres of open space for the entire tract, is currently under review by the Township. This revised plan has not been reviewed by the County Planning Commission.

**COUNTY POLICY:**

**LANDSCAPES:**

2. The project site is located within the **Rural Landscape** and **Natural Landscape** designations of [Landscapes3](#), the 2018 County Comprehensive Plan. The **Rural Landscape** consists of open and wooded lands with scattered villages, farms and residential uses. The vision for the **Rural Landscape** is the preservation of significant areas of open space, critical natural areas, and cultural resources with a limited amount of context sensitive development permitted to accommodate residential and farm needs. As an overlay of all other landscapes, the county's **Natural Landscapes** consist of a network of streams, wetlands, floodplains, and forests that are protected by regulations or should be subject to limited disturbance. Conservation practices should protect and restore these natural resources.

The proposed subdivision is not consistent with the objectives of the **Rural Landscape**. [Landscapes3](#) recommends that new development in Rural landscapes should have a limited impact on rural vistas and character, and that the design elements should include cluster residential development screened by open space, woodlands, and natural land form (page 43). Residential development activity on this site should be clustered. Additionally, careful consideration of the proposed development of the project site, particularly for UPI# 54-4-10, is required due to its existing environmental and physical characteristics.

**WATERSHEDS:**

3. **Watersheds**, the water resources component of [Landscapes3](#), indicates the proposed development is located within the Crum Creek watershed. **Watersheds'** highest priority land use objectives within this watershed are: reduce stormwater runoff, restore water quality and channel stability of "impaired" streams, and protect vegetated riparian corridors. **Watersheds** can be accessed at [www.chesco.org/water](http://www.chesco.org/water).

**PRIMARY ISSUES:**

Official Map:

4. The Township's Official Map indicates that both parcels are located in a "Proposed Open Space Reservations" designation. Prior to taking action on this subdivision proposal, the Township should consider any issues pertaining to the Official Map designation of this site consistent with the provisions of Section 406 of the Pennsylvania Municipalities Planning Code.

Natural Features Protection:

5. The project site contains existing precautionary slope (15-25 percent slope) and prohibitive slope (greater than 25 percent slope) areas. The Township should verify that, for any development activity in these areas, 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. Areas of steep and moderate slopes should be protected from disturbance that may cause erosion and flooding, as well as negatively impact water quality, wildlife habitat, slope stability, and scenic views.
6. The plan and 2023 aerial photography indicate that a portion of the site is wooded. Mature trees and shrubs reduce the volume and impacts of stormwater runoff by intercepting precipitation, increasing evapotranspiration, and stabilizing soil through root growth. If development or earth disturbance is going to encroach upon existing woodlands, the removal of trees should be limited to the minimum area needed for the dwelling(s) and support facilities. The limits of tree removal should be clearly shown on the plan and “limits of disturbance” should be delineated to protect all trees that are intended to remain. Orange construction fencing should be placed at the “limit of disturbance” to prevent unintended intrusion into woodland areas by construction equipment. This fencing should be placed at the drip line of any trees that are intended to remain to limit inadvertent impacts from construction equipment to root zones and long-term tree health. Additional native trees and shrubs should be incorporated into the landscaping plans to replace and mitigate the loss of removed trees.
7. The Township should confirm that the site plan complies with the riparian buffer requirements set forth in Chapter 73-Environmental Protection in the Township Code. We recommend that additional trees be planted along Crum Creek to boost the riparian corridor. *Landscapes3* supports the comprehensive protection and restoration of the county’s ecosystems, including riparian corridors (“Protect” Objective B, page 63).
8. The site contains land within the 100 year flood plain, situated along Crum Creek and its tributaries. Although it does not appear that any development activity will encroach into the floodplain, we note that the County Planning Commission does not support development in the floodplain, and the Federal Emergency Management Agency and Pennsylvania Department of Environmental Protection regulate filling or development in the floodplain. Development within a floodplain can increase the magnitude and frequency of normally minor floods, and present health and safety problems.
9. The site contains delineated wetlands. Although it does not appear that any development activity will encroach into the delineated wetland areas, the applicant should be aware that placement of fill in wetlands is regulated by the Corps of Engineers in accordance with Section 404 of the Clean Water Act (1977) and the Department of Environmental Protection under Chapter 105 Rules and Regulations for the Bureau of Dams and Waterway Management.

Transmission Pipeline:

10. The site plan indicates that the dwelling units on Lots 11 to 17 on the eastern portion of the site will be located in close proximity to a hazardous liquids transmission pipeline operated by Sunoco Pipeline (Energy Transfer) that traverses the site. Applicants should be aware that the actual location of the pipeline may not always be within the center of the easement or right-of-way. To minimize risks before and during construction, the project designer should contact the Pennsylvania One Call Center at 811 or <http://www.pa1call.org/pa811>, consistent with the provisions of Section 4(2) of Act 287 (Underground Utility Protection Act), prior to finalizing the

design. The PA One Call Center should also be contacted at least 3 business days, but not more than 10 days, prior to any excavation. More information about pipeline safety can be found at the Chester County Pipeline Information Center at:

<http://www.chescoplanning.org/pic/introduction.cfm>.

#### Open Space:

11. The Township should verify that the proposed open space plan meets all applicable municipal ordinance requirements. While we acknowledge that the design of the landscape plan includes vegetative screening along the perimeter of the tract, we note that Map 5: Scenic, Historic & Cultural Resources in the Township's Comprehensive Plan appears to identify the adjoining roadway network for the entire tract as scenic roads.

The applicant should clearly identify how access will be provided to all proposed open space areas, for both the use of residents and for maintenance purposes. In general, the applicant should strive to provide access to the open space from each individual dwelling or lot, without the need for users to travel significant distances or cross an excessive number of streets. Additionally, the proposed open space should be deed restricted from further development.

#### Historic Preservation:

12. The site plan indicates that all of the existing buildings on the site will remain. The 2011 Township Historic Resources Atlas indicates that UPI# 54-4-10 contains four Class II Historic Resources. The applicant and Township should work to mitigate any negative impacts on the integrity of the existing historic resources. "Appreciate" Objective A of *Landscapes3*, the 2018 County Comprehensive Plan, is to preserve historic resources in their context while supporting appropriate reuse as a vital part of our community infrastructure and character. Additional information on this issue is available online at: [www.chescoplanning.org/Landscapes3/1c-Appreciate.cfm](http://www.chescoplanning.org/Landscapes3/1c-Appreciate.cfm).

#### Stormwater Management:

13. Land disturbance and land development activities that occur within Chester County must comply with the *County-wide Act 167 Stormwater Management Plan for Chester County, PA* (August 2022) and the associated Act 167 stormwater management ordinance standards adopted by each municipality.
14. The project is located in an area designated by the PaDEP as a Special Protection Watershed. Chester County's High Quality and Exceptional Value Watersheds are especially sensitive to degradation and pollution that could result from development. Therefore, stricter DEP or municipal limitations to wastewater and stormwater discharges may apply in this watershed. A map of Special Protection Watersheds in Chester County, PA may be viewed here: [www.chesco.org/DocumentCenter/View/17339](http://www.chesco.org/DocumentCenter/View/17339).

#### ADMINISTRATIVE ISSUES:

15. The site plan indicates that vehicular access to several of the lots will be provided from adjoining parcels (for instance, vehicular access to Lot 4 will be provided from Lot 2). The details of these shared driveway arrangements should be incorporated into the deeds of the appropriate lots.

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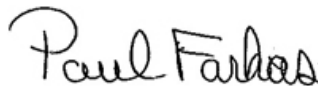
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16. The site plan and Act 247 County Referral Form both indicate that a Homeowners' Association will be responsible for the proposed common facilities/areas. Ownership, maintenance, use provisions, restrictions, and liability responsibilities associated with any commonly 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. We also recommend that the HOA document allow for rooftop solar installations and other energy efficiency and environmental conservation actions.
17. According to County Tax Assessment records, the land of the proposed subdivision appears to be subject to an Act 319 (Clean and Green) covenant. We advise the applicant to contact the Chester County Assessment Office (telephone #610-344-6105) regarding this subdivision. Additional information on this topic is provided online at: [www.chesco.org/256/Act-319---Clean-Green](http://www.chesco.org/256/Act-319---Clean-Green).
18. The applicant should contact the office of the Chester County Conservation District (telephone #610-455-1360) 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. Additional information on this topic is provided online at: <https://www.chesco.org/284/ErosionStormwater>.
19. The applicant should verify the accuracy of the numbering of the general notes provided on Sheet 2. We note that there is no General Note 16 (the notes are numbered from 1 to 15, then 17 and 18).
20. A minimum of five (5) 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, the Assessment Office, the Health Department, and the municipality.

This report does not review the plan for compliance to all aspects of your ordinance, as this is more appropriately done by agents of Willistown 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,



Paul Farkas  
Senior Review Planner

cc: Rock Hill Farm Acquisitions, LLC  
Chester Valley Engineers  
Chester County Health Department  
Chester County Conservation District  
Chester County Assessment Office  
Donald Curley, Manager, Easttown Township