

October 27, 2022

EGOST 00134

Duane Brady, Zoning Officer  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

**RE: 1010 Hershey Mill Road  
Conditional Use/Sketch Plan – 2<sup>nd</sup> Submission**

Dear Duane:

As requested, we have reviewed the following information, prepared by dH Enterprises, Inc., regarding the referenced submission:

- *“Open Space Development Layout Plan”* (one sheet) dated August 22, 2022 (no revision date); and
- Conditional Use application and transmittal letter.

The applicant and equitable owner, Grove Meadow Developers LLC of Berwyn, on behalf of the owners, Mark & Christine Miller of Wayne, request conditional use approval to subdivide and develop UPI 53-1-19 (±16.1 acres) with fifteen (15) single-family residential lots developed under the *Single-Family Open Space Development Option* (§240-36). Two (2) of the lots contain existing buildings and/or historic resources. The parcel is located on the west side of Hershey Mill Road (T-452) approximately 1,950 feet north of its intersection with Greenhill Road, within the R-2 Low Density Residential District and proposed to be required conditional use approval. The development is proposed to be served by public water supply and public sanitary sewer.

***We offer the following comments, based upon the resubmission, discussions at the October Planning Commission meeting, adjacent resident feedback and a site visit (new comments in bold/italics):***

1. It is unclear if area and bulk regulations within the underlying R-2 District not specifically addressed or amended within the *Single-Family Open Space Development Option* are applicable. Further discussions with the Zoning Officer and Township Solicitor may be required.

***Resolved.***

2. Each single-family detached dwelling shall be separated from any other single-family detached dwelling by a minimum of 30 feet. (§240-36.C(1)) There are multiple locations where this requirement is not met.

***Resolved. The proposed homes are separated by at least 30 feet.***

3. There shall be a minimum of three off-street parking spaces for each unit. Each parking space shall be designed so that the motor vehicle may proceed to and from the parking space provided for it without requiring any other vehicle to be moved. (§240-36.C(6))

***Resolved. Additional parking spaces are now indicated.***

4. Rolled curb is required for the proposed cartway width of 18-feet. (240-36.C(4))

***Resolved. Rolled curb is now indicated.***

5. Please note storage sheds are not a permitted accessory use. (§240-36.D(2)(a))

***Resolved. See Note 8.***

6. Regarding open space:

- a. The land development plans shall contain the following statement: "*Open space land may not be separately sold, nor shall such land be further developed or subdivided.*" The subdivision or land development plans shall further designate the use of open space, the type of maintenance to be provided and a planting plan or schedule (§240-36.E).

***Resolved. See Note No 1.***

- b. All required common open spaces shall be protected by a conservation easement. Ownership for the open space area shall be by any of the following procedures: ownership by Township, a nature organization, individuals, or other (§240-36.E(2)). It is anticipated that the Township prefers a HOA manage the open space, but this should be discussed further with the Board and appropriate management plans, agreements and/or easements established.

***Resolved. Open space to be owned by an HOA; see Notes 4 & 5.***

- c. The developer shall provide designated planting and areas suitable for active or passive recreation within open space areas. The use of species of vegetation that are native to the area is encouraged. (§240-36.E(3))

***Resolved. General landscaping locations have been indicated; additional design pending submission of subdivision and land development plans.***

- d. If the Board determines that an area is needed for active recreation, then a suitable area shall be provided. (§240-36.E(5)(b))

***Pending. A central green area is provided and is subject to review by the Planning Commission and Board.***

- e. Open space plans areas shall be designated per §240-36.E(5)(g) as lawn, natural area, recreation area or planting area.

***Resolved. Duplicate comment with No. 6f, below.***

- f. Common open space areas that are not already wooded and are not approved as lawn, natural areas or recreation areas shall be attractively and extensively landscaped, according to a plan approved by the Board. (§240-36.E(5)(g)) Consideration to buffering adjacent properties should be considered.

***Pending. General landscaping and green areas have been indicated; additional design pending submission of subdivision and land development plans. See additional new comments below.***

- g. The Township Planning Commission, the Conservancy Board, the Park and Recreation Board and the Historical Commission shall be given the opportunity to inspect the property with the applicant and the design team, in order to determine which areas of the property or which views should be preserved. (§240-36.F(2)) We recommend a site visit be offered to these parties and Township staff and Officials prior to preliminary plan submission.

***Resolved. A site visit was scheduled and completed on October 18, 2022.***

- 7. Per discussions with Township Solicitor, it is the Township's opinion that the applicant is proceeding in accordance with §240-36.E(6).

***No action necessary.***

- 8. Regarding flag lots:

- a. Per §240-23.B(2)(b)[2][c], a maximum of one (1) one flag lot may be created from each parent lot that existed as a single and separate lot of record at the time of adoption. Two (2) flag lots are proposed.

***Pending. The applicant has indicated that they will request a condition be applied via the Conditional Use process and in conjunction with the preservation of the existing historic resources to permit the proposed layout; see comment No. 13, below.***

- b. The 'pole' portion of the flag lot shall maintain a minimum lot width of forty (40) feet for its full length. (§240-23.B(2)(b)[2][e]) Thirty (30) feet is proposed.

***Resolved. The flag portions of Lots 14 & 15 have been widened to 40 feet for its entire length.***

- 9. We recommend reviewing the environmental protection requirements of §240-25 and flood prone area regulations of §240-26 prior to preliminary submission.

***No action necessary.***

- 10. Note the process and procedures for conditional use approvals per §240-31.

***No action necessary.***

- 11. A historic resource impact study (HRIS), prepared by a registered architect specializing in historic preservation and adaptive reuse of historic buildings and structures, shall be submitted to the Township as part of the preliminary plan submission per §240-38.10.A(1).

***Pending.***

- 12. Residential conversion of any structure designated as an historic resource into one or more dwelling units is permitted as a conditional use, subject to the requirements of §240-38.5.A(2)(c). (§240-38.5.A(2)) The Township and/or Historic Commission should confirm the extent of existing historic resources on site, notably Lot 14, which appears to propose re-use of an existing barn. Additional conditional use approval for this may be required.

**Pending.**

13. All area and bulk regulations and design standards otherwise applicable in the underlying zoning district shall apply to the use or reuse of an historic resource. However, in order to facilitate the use of the historic resource permitted §240-38.5, the Board of Supervisors, as part of the conditional use approval, may grant modifications to the otherwise applicable area and bulk regulations applicable to the use or adaptive reuse of the historic resource. In no event shall the Board of Supervisors grant modifications to the height requirement and design standards applicable to the historic resource. The applicant should clarify if any modifications are requested.

**Pending.**

14. The applicant should contact Mike Ellis, PE ([mellis@pennoni.com](mailto:mellis@pennoni.com)) and Mark Miller to discuss sanitary sewer requirements; upgrades to the conveyance and/or pump station may be necessary.

**Pending. However, a sanitary sewer easement to Goshen Downs should be considered.**

15. Stormwater conveyance through the site from the adjacent stormwater management basin to the west shall be accommodated, including any necessary stormwater easements.

**Pending. Applicant has acknowledged the off-site stormwater conditions and has indicated it is feasible to incorporate conveyance and possible detention/retention within their site.**

16. It may be appropriate to consider pedestrian connections to the neighborhoods to the west and east such as a trail and/or access easement to the Township owned parcel on Jackson Lane (UPI #53-1M-21) and a pedestrian crossing, per PENNDOT regulations, across Hershey Mill Road to Tanglewood Drive.

**Pending. Based on adjacent resident feedback and discussions with all parties:**

- a. **It may be appropriate to consider an access easement/right-of-way only to the adjacent Township parcel, with no formal/physical trail connection.**
- b. **Any easement/right-of-way should be clearly demarcated via post and rail fencing (or similar) and clearly indicated on the plan.**
- c. **Trail access through the site to a Hershey Mill Road pedestrian crossing should be considered, via an asphalt surface that minimizes conflicts with proposed driveways.**

17. Please contact our office 48-hours in advance of any stormwater management testing.

**Pending.**

18. Please include the Township in any pre-application meetings and/or submissions to the Chester County Conservation District and/or PADEP.

**Pending.**

19. It may be appropriate to remove the existing driveway and stream crossing if Lot 15 will be accessed via the proposed road.

**Pending. Applicant will explore permitting for this removal.**

20. It is unclear why 16- and 20-foot setbacks from the right-of-way are indicated.

***Resolved. These setbacks have been removed.***

21. The following items are required for a sketch plan (§205-27.B):
- a. Graphic scale; ***Resolved***
  - b. Proposed water supply and sewage features; ***Outstanding***
  - c. Soil types; ***Outstanding***

**NEW COMMENTS**

- 22. As part of a conditional use application for any residential development where the tract proposed for the principal use is located within 660 feet of the center line of any hazardous liquid pipeline or natural gas transmission pipeline a pipeline awareness study will be required; please confirm the distance to the Adelpia pipeline to the west. (§205-40.1)***
- 23. A trail/sidewalk easement should be provided along the frontage of Hershey Mill Road for future connections.***
- 24. Site layout and grading should be sensitive of existing fencing, vegetation and hedgerows that provide screening for adjacent properties, and the landscape plan address should address gaps in these areas.***
- 25. The applicant confirmed that the building/impervious areas indicated are intended to be the 'maximum' permitted for each lot, and the stormwater system will be design to accommodate the same.***
- 26. Proposed fencing should consider the context of the area; it may be appropriate to restrict any fencing to post and rail.***
- 27. Submission is subject to Fire Marshall review.***

Should you have any further questions or comments, please contact the undersigned.

Sincerely,

**PENNONI**



Nathan M. Cline, PE  
Township Engineer

cc (via e-mail): Derek Davis, Township Manager  
Mark Miller, Public Works  
Bill Christman, Township Solicitor  
Michael D. Hartman, PE, dH Enterprises  
Grove Meadow Developers LLC