



Policy Briefing Summary

Board of Supervisors

RE: Subdivision/Land Development Plan Approvals

Date Presented: August 19, 2020

Prepared By: Diane Hicks, Director of Planning and Zoning

Overview:

Plan: Fairville Friends School

Location: west of Pond View Drive and south of Orchard View Drive

Tax Parcels: 62-5-7, 62-5-7.47-E

Zoning: PRD – Planned Residential Development

The Applicant is requesting approval to redefine the common line between UPI # 62-5-7.0 (Fairville Friends School Lot - Formerly Lot 59 on the original subdivision plan – 11.580 acres) and UPI # 62-5-7.47-E (Lot 57 – 14.472 acres), located in the PRD – Planned Residential Development Zoning District.

Outstanding AECOM comments which remain are summarized in the attached review letter dated July 31, 2020. As many open comments relate to outside agency approvals, agreements, and minor plan/plan note revisions, the Engineer does not believe resolution of these open comments will have a material impact on the proposed plan, in the event a conditional Final Plan approval is deemed appropriate. All consultants are in agreement to move the lot line forward. ***Final plan approval recommended.***

Waiver Request:

The following waivers are requested as justified in the attached Applicant letter. These waiver requests have been reviewed and are supported by AECOM. ***Waiver approval is recommended.***

The following waivers are requested regarding plan content requirements based upon this submission being for a simple lot line change.

1. §206-403.B, requires a base plan with the existing topography, soils, streams/watercourses, and all existing structures (including building, wells, septic fields, etc.).
2. §206-403.C, requires an Engineering Site Analysis Plan.
3. §206-403.D, requires a Natural and Cultural Resources Site Analysis Site Plan.
4. §206-403.E, requires a Visual Resources Site Analysis Plan.

5. §206-403.I, requires a Stormwater Management and Erosion and Sedimentation Control Plan. The Applicant is requesting to provide this at the time of building permit submission for Lot 57.
6. §206-517, requires the conservation of woodlands, hedgerows and specimen vegetation. The Applicant is requesting to depict this on the building permit plans.

PLANNING COMMISSION RECOMMENDATION – August 12, 2020

The Planning Commission made a recommendation to the Board of Supervisors that the final plan approval be granted subject to approval of the requested waivers and the following conditions:

- All open items in the AECOM letter of July 31, 2020 be addressed.
- Applicant address easement issues in regard to Lot 57 and Lot 60

Motion:

Move to approve requested waivers from Sections 206 – 403.B, 403.C, 403-D, 403.E, 403.I and 517 of the Subdivision Land Development Code. Further to grant Final Plan approval conditioned on all open items in the AECOM letter of July 31,2020 being addressed and addressing any issues relating to easements for Lot 57 and Lot 60.

(To view the final plan, visit <https://kennett.pa.us/DocumentCenter/View/4188>)



AECOM 302.781.5900 tel
Sabre Building, Suite 300 302.781.5901 fax
4051 Ogletown Road
Newark, DE 19713

July 31, 2020

Ms. Diane Hicks
Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317

**Re: The Ponds of Woodward for Fairville Friends School
Preliminary Minor Subdivision Plan**

Dear Ms. Hicks:

We received the following information for the above noted project via electronic submission on July 21, 2020.

- Letter from E.B. Walsh & Associates, Inc., dated July 21, 2020, providing responses to AECOM's letter dated April 27, 2020; and
- Amended Lot Line Change Plan for The Ponds of Woodward for Fairville Friends School, prepared by E.B. Walsh & Associates, Inc., dated February 13, 2020 and last revised July 17, 2020 (1 Sheet).

The Applicant is requesting approval to redefine the common line between UPI # 62-5-7.0 (Fairville Friends School Lot - Formerly Lot 59 on the original subdivision plan – 11.580 acres) and UPI # 62-5-7.47-E (Lot 57 – 14.472 acres), located in the PRD – Planned Residential Development Zoning District. The lot lines were previously amended as shown on the approved plan as recorded at the Chester County of Deeds on February 17, 2017 (Recorded Plan number 20092).

In addition, the plan notes that the plan is under and subject to the Grant of Easement and Declaration of Restrictive Covenants between J. Robert and Horace T. Woodward and the Brandywine Conservancy, Inc., dated December 30, 1986 and recorded December 31, 1986. The original agreement limited the allowable proposed impervious coverage. Due to the previous lot revisions, an Agreement to Re-allocate Impervious Coverage between Fairville Friends School, George Harlan, Kathleen F. Harlan, Adam Singer, Liam O'Donnell and Kelly Jean O'Donnell, and Brandywine Conservancy & Museum of Art, dated October 4, 2018 and recorded August 20, 2019. The agreement states the allowable impervious coverage for the revised lots.

We have reviewed this submission as a Preliminary Minor Subdivision Plan in accordance with the Kennett Township Zoning and Subdivision and Land Development Ordinances. Comments from our April 27, 2020 letter are listed below with new or modified comments inserted in bold italic font.

Requested Waivers to the Subdivision and Land Development Ordinance

The plan notes the following waiver requests. The plan notes that these waivers are requested based upon this submission being for a simple lot line change. The cover letter notes that these waiver requests are the same as noted on the approved 2017 plan.

1. §206-403.B, requires a base plan with the existing topography, soils, streams/watercourses, and all existing structures (including building, wells, septic fields, etc.).

AECOM Comment – As discussed in Subdivision and Land Development Ordinance comments below, existing buildings, driveways, sewage system components and water supply facilities

should be shown on the Plan to clarify consistency of property lines with existing or needed easements. We do not support a waiver from the requirements of §206-403.B. **All features required by this Section which appear to be relevant to the project lands have been addressed and this item is resolved.**

2. §206-403.C, requires an Engineering Site Analysis Plan.
3. §206-403.D, requires a Natural and Cultural Resources Site Analysis Site Plan.
4. §206-403.E, requires a Visual Resources Site Analysis Plan.
5. §206-403.I, requires a Stormwater Management and Erosion and Sedimentation Control Plan. The Applicant is requesting to provide this at the time of building permit submission for Lot 57.
6. §206-517, requires the conservation of woodlands, hedgerows and specimen vegetation. The Applicant is requesting to depict this on the building permit plans.

AECOM Comment – We have no objection to the above waiver requests.

Zoning Ordinance

1. A Zoning Data Table has been provided on the plan for the PRD – Planned Residential Development – Single Family. The table notes the required area and bulk regulations. The table should be revised to include the proposed area and bulk distances and percentages provided for each lot. **The table has been revised but some proposed area and bulk information regarding New Lot 57 is not specified since the plan does not provide for construction on this lot. Additionally, some proposed area and bulk information for the amended Fairville Friends School lot is limited to indication that the proposed lot will be less than the maximum standards, with supporting information clarifying that said standards are readily achieved provided by the July 21, 2020 E. B. Walsh letter. We have no objection to this approach and this item is resolved.**

Subdivision and Land Development Ordinance

1. §206-403.B.(1).(c) requires the legal encumbrances to be noted on the plan, including the limit lines and nature of all private easements. The following items should be addressed:
 - A. The plan indicates an existing sewer line crossing UPI # 62-5-7.47-E in the northern portion of the lot near Orchard View Road. No easement is noted for this sewer line crossing, which appears to be a portion of the gravity sewer serving the Ponds of Woodward 2 sewage system. The remainder of all such Ponds of Woodward System 2 components on the project lands, including the replacement disposal areas, should be shown and easement(s) provided. We note that replacement sewage disposal areas for the Ponds of Woodward System 2 were indicated proximate to the primary disposal areas on the original subdivision plan drawings. **Replacement sewage disposal areas for the Ponds of Woodward System 2 have been shown on the plan and all sewage system components related to the Ponds of Woodward Systems 2 and 3 have been clarified by plan note to be subject to a recorded 1996 easement agreement which would run with the land. This item is resolved.**
 - B. An existing septic area for Lots 57 & 60 is denoted as a rectangle on UPI # 62-5-7.47-E (partially extending off-site to UPI #62-5-7.48 (Lot 60) on lands N/F owned by Liam & Kelly Jean O'Donnell. This appears to be an area of subsurface disposal trenches for a community sewerage system originally permitted as Ponds of Woodward System 4. Based upon a drawing prepared by Evans Mills environmental in 1992, it appears that a force main discharging to this area may encroach upon the New Lot 57, and a replacement disposal area may be located partially or entirely on New Lot 57. All gravity sewers, tanks, force mains, primary disposal area trenches and replacement area for this sewage system should be

identified and located on the plan, with easements for any facilities serving the sewage needs of another lot. We recommend that New Lot 57 property lines be shifted as necessary to avoid any primary or replacement sewage system area from encroaching less than ten feet to the property line. ***The location of Ponds of Woodward System 4 components has been indicated on the plan, including the replacement area located on New Lot 57; however, no easement information for this sewage system has been provided. This portion of the comment remains.***

- C. A 30-50' existing access easement for Lots 57 & 60 is indicated within UPI #62-5-7.47-E. Bearings and distances are not provided along the entire easement. Additionally, the existing driveway within this easement is not indicated on the plan. An easement agreement should be provided for this access easement. ***The Applicant has clarified that no easement agreement can be located and noted that the easement is shown per prior record plans. We have coordinated with the Township Solicitor on this matter and verified that an easement agreement should be provided.***
- D. An existing sanitary sewer force main is noted on Lot 57 leading from an area labelled "Restricted Septic Area System 3" on Lot 60, which appears to be the treatment and disposal area for the Ponds of Woodward System 3 sewerage system. The indicated force main should be shown in its entirety on the project lands along with all other System 3 components and easement(s) provided. ***The plan has been revised to indicate all known sewer lines and a note clarifies a recorded 1996 easement agreement for all such sewage system components. This item is resolved.***
2. §206-403.B.(2).(f) requires all existing structures and facilities within 100 feet of the properties to be shown, including the location of any existing wells and septic fields. Existing building, well and sewage system locations should be indicated on the Plan. ***The Plan has been revised to show applicable features on neighboring lands related to the Ponds of Woodward. No information has been provided for parcels south of New Lot 57. We would have no objections to a waiver request to allow for exclusion of the required information for these parcels.***
3. §206-403.G.(2) requires submission of a sewage facilities planning module. A Sewage Facilities Planning Module Application mailer had been submitted to DEP by the Applicant's engineer to verify whether a planning module would be required. By letter dated February 14, 2020, DEP indicated that a planning module would be required. It is our understanding that the Applicant is coordinating further with DEP on this matter. A DEP letter resolving planning module requirements should be provided. ***Comment remains.***
4. §206-404.D.(2) requires the tract boundaries to close with an error of closure not to exceed one foot in 10,000 feet. The legal description for the revised lots should be provided to verify. ***A Plan note has been added indicating acceptable error of closure and the Applicant has stated that a legal description will be provided once the lot line location has been approved.***
5. §206-505.I requires minimum site distances for driveways. The plan should demonstrate that the proposed access drive for New Lot 57 can meet minimum site distances. ***Site distances have been shown on the plan to be compliant with Township/PennDOT requirements. This item is resolved.***
6. §206-508.E requires primary and replacement on-lot disposal areas for any proposed lot to be so served. It appears that New Lot 57 would utilize on-lot sewage facilities, and the requirements of this Section should be addressed. ***The Applicant has indicated that preliminary on-lot***

sewage system testing has been performed and the plan will be updated with sewage disposal areas following resolution of sewage planning module requirements with DEP.

General

- 1. We recommend that the Applicant provide written verification from the Brandywine Conservancy that the plan is acceptable with regard to the Grant of Easement and Declaration of Restrictive Covenants and the Agreement to Re-allocate Impervious Coverage.***

Please contact our office should you have any questions.

Sincerely,

AECOM

Stan Corbett
Associate Vice President, Municipal Department

cc: Kevin Arnold, Fairville Early Learning Center, Inc., Owner/Applicant, via email karnold@icloud.com
Dan Daley, P.E., Edward B. Walsh & Associates, Engineer, via email ddaley@ebwalshinc.com



EDWARD B. WALSH & ASSOCIATES, INC.
Complete Civil Engineering Design / Consultation Services
Whiteland Business Park
855 Springdale Drive, Suite 202
Exton, PA 19341

August 14, 2020

Ms. Diane Hicks
Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317

**Re: The Ponds of Woodward for Fairville Friends School
Lot Line Change Plan
Waiver Request**

Dear Ms. Hicks:

On behalf of the Fairville Friends School, please accept this letter as our formal request for the following waivers related to the above referenced Lot Line Change Plan:

1. *§206-403.B.(2).(f) requires all existing structures and facilities within 100 feet of the properties to be shown, including the location of any existing wells and septic fields.*

The relevant information for the Fairville Friends School properties have been indicated on the plan. A waiver is requested for relief of the requirement to indicate information for the parcels south of New Lot 57 (offsite parcels).

Waivers are requested for the following sections of the ordinance as the proposed project is for a simple lot line adjustment and no development is proposed to occur as part of this application.

2. *§206-403.C, requires an Engineering Site Analysis Plan.*
3. *§206-403.D, requires a Natural and Cultural Resources Site Analysis Site Plan.*
4. *§206-403.E, requires a Visual Resources Site Analysis Plan.*

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5. *§206-403.I, requires a Stormwater Management and Erosion and Sedimentation Control Plan.*

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August 14, 2020
Ms. Diane Hicks
Kennett Township

Re: The Ponds of Woodward for Fairville Friends School
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Page 2 of 2

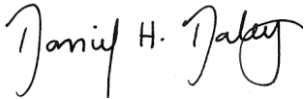
A waiver is requested to defer the requirement of a stormwater management and erosion & sedimentation control plan at this time and provide it at the time of the building permit for the new Lot 57. No development is proposed to occur as part of this application.

6. *§206-517, requires the conservation of woodlands, hedgerows and specimen vegetation.*

A waiver is requested to defer the requirement to depict the woodlands and vegetation and prepare a conservation plan at this time and provide the required information at the time of building permit for the new Lot 57. No development is proposed to occur as part of this application.

If you should have any questions or require any additional information, please feel free to contact me.

Very truly yours,
EDWARD B. WALSH & ASSOCIATES, INC.



Daniel H. Daley, P.E.

cc: Stan Corbett, AECOM (via electronic mail)
Kevin Arnold (via electronic mail)