

FRANKLIN TOWNSHIP
PLANNING COMMISSION MEETING MINUTES
MARCH 6, 2008

Call to Order: Planning Commission Chairman Ralph Olivier called the meeting to order at 7:04 p.m. Present were Mr. Eric Brindle, and Dr. Mark Harris. Mr. Richard Squadron arrived at approximately 7:10. Dr. Dave Hoffman was absent due to being conflicted with another commitment. Others in attendance included Mr. Mark Thompson, Solicitor, Mr. Stan Corbett of URS, Mr. John Theisen of LTL Consultants, Ltd., Mr. Grant Hitchens of Kohli and Associates and Stephen Ross, Interim Township Manager. There were 15 members of the public in attendance.

Public comment: No public comment.

Approval of Minutes – February 7, 2008: On motion by Mr. Brindle, seconded by Dr. Harris, the Minutes of the Planning Commission meeting of February 7, 2008 were approved as submitted by the Planning Commission Secretary. Motion carried by a vote of 3-0.

Plan Review:

- **Goodwin Sketch Plan:** The applicant was represented by Scott Downs of Downs Land Management, owner of the property, and Barry Stingel of Hillcrest Associates. The plan is a reconfiguration of the lot layout proposed in the 2/15/07 Sketch Plan. The parcel is dissected by Route 841 with three parcels totaling 85.58 acres and being on the west side of Route 841. The current plan does not show the property located on the east side of Route 841 because the property owner has not identified any development or other plans for use of that portion of the property. (Mr. Squadron arrived in the middle of the presentation by Mr. Stingel). The Planning Commission discussed, and asked questions of both Mr. Stingel and Mr. Downs concerning, the sketch plan and future subdivision of the property. The Planning Commission generally indicated that it did not see any major issues that would prevent the applicant from proceeding forward with a preliminary plan if it chose to do so.
- **Megill/Matsen Tract and the Final Subdivision Plan:** The applicant, Megill Homes submitted a subdivision plan in both Franklin Township and New London Township. The project is located at the intersection of Walnut Glen Road and Newark Road in the AR Zoning District (Agricultural Residential). The total tract is 74.929 acres with 20.616 acres located in Franklin Township and the balance in New London Township. The plan was previously reviewed by the Commission on January 10, 2008. A primary threshold issue raised by the plan is that the plan shows a boundary line between New London and Franklin

Township which is different than the currently accepted boundary line between the townships that is not in dispute between the townships and has been accepted for more than 100 years. At the January meeting the Commission requested that, before more time and money is spent on plan review, the applicant have their attorney provide to the Township Solicitor the legal basis for (a) their depicted location of the boundary line on their plan, (b) why the Township should entertain or take any steps regarding any change to its settled position regarding the location of the boundary line, and (c) how the applicant proposes that the location for the boundary line shown on its plan be legally defined as the boundary line between the townships. Mr. James Fritsch, Register Associates, representing the applicant, advised the Planning Commission that the applicant's attorney, Arthur Sagnor, communicated with the Township Solicitor by letter dated March 6, 2008. Mark Thompson of Lamb McErlane, Township Solicitors, responded to Mr. Sagnor by letter dated February 21, 2008, concluding that he did not see any basis in Mr. Sagnor's letter for the Township taking any action to revise the boundary line it currently identifies as the legal boundary line between the two townships. Mr. Fritsch stated that Mr. Sagnor has suggested that a meeting be scheduled among all interested parties, i.e., representatives from both townships, the Matsons and Megill Homes. Mr. Thompson indicated that he did not believe that a meeting would result in any new information or any discussion that would be likely to change his advice to the Township, but that he would respond to Mr. Sagnor's with the Township's position regarding the suggested meeting. Mr. Fritsch presented an extension letter dated March 6 requesting an extension to continue the review process until April 30, 2008. Mr. Squadron felt that until the boundary line issue is resolved there is no reason to continue discussion of the plan at each Planning Commission meeting as proposed by Mr. Fritsch. Mr. Olivier suggested that it would be in the best interest of the applicant to provide a longer extension time.

- McCleary Final Subdivision Plan: Mr. Ken Crossan of Crossan-Raimato provided background information to the Planning Commission regarding the Minor Subdivision Plan dated December 27, 2007. Robert and David McCleary were also present on behalf of the applicant. The plan shows a 91.9 acre parcel that is being subdivided into 3 separate parcels located in the AR-Agricultural Residential Zoning District. No construction is proposed on any of the parcels as part of the plan. The discussion focused on the eight waivers requested by the applicant that are discussed in the Kohli and Associates review letter dated February 21, 2008. The Commission considered the waivers as presented and provided the following comments:
 1. Section 202 for definition of a Minor Subdivision and omitting preliminary plan submission. The consensus of the Commission

- is to recommend to the Board of Supervisors that it accept the plan as being a minor subdivision.
2. Sections 502.Q and 718 are required by section 410. This relates to a need for a Sedimentation and Erosion Control Plan. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement.
 3. Section 717.A which requires concrete monuments to be set. The consensus of the Commission was to defer making a decision until the final plan stage, and to request the applicant to propose specifically where it would agree to place concrete monuments to adequately define the property.
 4. Section 502.L.14 requires the location of all existing wells and septic systems within 100 feet of the boundaries. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement.
 5. Section 502.M.1 which requires existing contour lines at vertical intervals of 2 feet. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement.
 6. Section 502.M.2 which requires soil types and their boundaries. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement
 7. Section 502.M.5 which requires the identification of steep slopes. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement.
 8. Section 502.M.8 which requires all non-tidal wetlands to be identified by field survey. The consensus of the Commission is to recommend to the Board of Supervisors that it waive delineation of the wetlands but require delineation of riparian buffers. Mr. Crossan requested that he be given time to investigate this issue further and respond to the Planning Commission at a later date.
 9. Section 502 and 503 included a requirement to provide the plans drawn to a larger scale. The consensus of the Commission is to recommend to the Board of Supervisors that it waive this requirement.
 10. Section 722.K requires identification of replacement sewage system areas. As stated in his letter of January 21, 2008, Stan Corbett of URS, consultants to the Township, advises that although the provisions of Section 722.K do apply to this plan, since this plan increases the potential for identifying replacement areas approximately ten-fold, he recommends granting the waiver. If any further development were ever proposed on any of the parcels, identification of replacement sewage system areas would be required at that time, if applicable. The Planning Commission indicated concurrence with Mr. Corbett's recommendation to recommend to the Board of Supervisors that it waive this requirement.

Mr. Crossan advised that he would amend the McCleary plan based on the discussion and the waiver issues. A revised final plan will be submitted to the Township and further review will be necessary.

- Brothers Preliminary Subdivision Plan: The property is a 3 lot subdivision that includes an existing house and two lots proposed for residential development. The 9.8827 acre parcel is within the AR-Agricultural Residential Zoning District on South Guernsey Road. The Township received comment letters from the following consultants or agencies:
 1. URS letter dated February 25, 2008
 2. Chester County Planning Commission dated December 17, 2008
 3. LTL letter dated February 27, 2008

Mr. Ken Crossan of Crossan-Raimato provided information to the Planning Commission including a brief history of their plan and that it was previously reviewed on October 5, 2006 and November 2, 2006. The applicant previously received direction that of the plans presented to the Planning Commission the plan most favored was the three-lot plan with a single driveway serving two lots. However, all plans presented to the Planning Commission involved requested waivers from the Township and the Planning Commission did not explicitly indicate what its recommendations to the Board of Supervisors might be with respect to such waivers.

Mr. Squadron moved, seconded by Mr. Brindle, to authorize the Chairman of the Planning Commission to sign Section J of the Component 1 Form. Motion carried by a vote of 4-0.

Mr. Crossan reviewed the comments in the LTL letter and discussed the waiver requests:

1. Mr. Olivier requested a clarification on the plan being consistent with the Management Plan for the White Clay Creek Wild and Scenic River. Mr. Crossan will further investigate.
2. Sidewalks, lights and school bus stops may be required by the Board of Supervisors. (Item 1 under conformance with the ZO) The consensus of the Planning Commission is to recommend to the Board of Supervisors that it not require any sidewalks, lights or school bus stops.
3. Two flag lots are being shown and one is allowed. A waiver has been requested by the applicant from the provisions of Section 604.I. The consensus of the Planning Commission is to defer this item pending further information. The Planning Commission expressed concern that the current information presented to it did not provide a sufficient basis for recommending this waiver.
4. The Planning Commission should consider the need for public facilities and open space under Section 607. The consensus of the Commission is to recommend to the Board of Supervisors

- that it not require, or if necessary waive, the provision of public facilities or open space.
5. The Planning Commission should consider the need for screening as required under Section 610.B. The Planning Commission indicated its position that this plan is subject to this requirement and discussed screening for the property. The consensus of the Planning Commission is to consider recommending to the Board of Supervisors that it approve a limited screening plan. The Planning Commission requested that the applicant return to it with a proposed plan for limited screening of the property.
 6. The proposed driveway will serve two lots and is being proposed at 12 foot wide with pull-offs. The ordinance requires 16 foot wide. The consensus of the Planning Commission is to require the wider driveway.
 7. The peak rate reduction standards for site development are found in Section 401.A.2. The design does not comply with the 2-year to 1-year and 10-year to 2-year rate reduction requirements. The applicant should revise the stormwater management design to comply with the requirements of this section. In light of the 16 foot driveway, Mr. Crossan stated that he would need to restudy the issue and make revisions in any event.

All other issues raised by Mr. Theisen will be corrected and changed on the plan and resubmitted as a revised plan. Mr. Ross will review the minutes of the Planning Commission from November 2006 and provide copies to the Planning Commission members. The applicant will return to the meeting next month with revised plans.

Public Comment: No public comment

Adjourn: Meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Richard J. Squadron
Planning Commission Secretary

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