

East Nottingham Township  
Planning Commission Meeting Minutes  
August 22, 2005

**COPY**

The regular meeting of the East Nottingham Township Planning Commission was held in the Township Building on August 22, 2005 at 7 pm. Those present were: Chairperson, Marianne H. Russo, Vice-Chairperson, Joseph R. Bauer, Jr., Planning Commission Members, Clifford Lee, Gene Turns, Walt Leis, Percy Reynolds, Mike Rebert and Planning Commission Secretary, PJ Scheese. -

The meeting was called to order at 7:04 p.m. by Chairperson, Marianne H. Russo.

The Pledge of Allegiance was led by Vice-Chairperson, Joe Bauer.

A motion was made by Joe Bauer, seconded by Cliff Lee to approve the agenda. The motion carried.

Aye: 7      Nay: 0

A motion was made by Cliff Lee, seconded by Joe Bauer to approve the July 25, 2005 minutes. The motion carried.

Aye: 7      Nay: 0

**Ordinances**

Erosion & Sedimentation – Ron Ragan, Township Engineer, handed out a proposed revision to address the zones that were not residential. This one requires and sets forth criteria of what would need a permit for residential, non-residential and agricultural activities. It looks at those activities for which the county and state already require permits, and so therefore, would not require a local permit.

A large accessory structure, smaller than 2000 ft<sup>2</sup>, may require an E & S permit. However, one that is larger than 2000 ft<sup>2</sup> would require a LDP.

A question was raised about a 1000 ft<sup>2</sup> residential garden possibly requiring an E & S permit. Ron suggested this be discussed at a joint work session.

Burn Ordinance - Gene Boneker, Township Manager, presented the most recent version of the Burn Ordinance. He said that it addresses the public safety issues. It does allow for the burning of paper domestic waste, within provisions.

This ordinance will be advertised and, hopefully, be adopted at the next BOS meeting. Gene said it did not require another public hearing.

Joe Bauer suggested adding the word "Contained" in Section 3.F.3, before the word "Fires." It was also suggested that in Section 4.a, where it says "\$500.00", it should read "up to \$500.00."

A motion was made by Joe Bauer, seconded by Gene Turns, to pass this ordinance along to the BOS. The motion carried.

Aye: 7      Nay: 0

**Developments**

Elkdale Green – Jahan Sheikholami introduced Kelly Gunshaw, a landscape architect, to present the landscaping overall plan concept. There are a series of courtyards to create "neighborhoods" in the turn around areas.

To help stormwater management, and to replace some of the retention basins, there are "bioswells." The bioswell is taking a conventional stormwater basin and filling it in with Bioswell soil, to absorb the water. This soil is a peat organic and sand mixture. A handout showing a sample of this was given out at this time. The plan is to seed it with a water tolerant grass mix, and then plant a grove of trees. Different trees would be planted for different areas. This would be maintained by the HOA. Maintenance specs will be given as to how this should be maintained.

Walt Leis inquired as to any history of these bioswells. Kelly said yes and that he could check with Maryland State Road Management, as well as the Chester County Conservation District. Walt said that he would like to see this.

There would also be some piping underneath to remove excess water. Every courtyard has detention areas, as well as smaller areas throughout, to work in tandem. These areas are not netted out of open space.

Jahan said that he was looking for preliminary approval at this time, because he would like to be able to pass the PM on to the OASA for approval. Joe Bauer said that there were still twelve (12) open issues.

Ron Ragan said that usually the preliminary plan is approved before the PM is sent up to DEP. However, this could be a chicken and egg situation. He suggested that since the open space requirements are so close, if DEP comes back and says they need to net out some of the open space to become more drip area, a new preliminary plan would have to be done. Marianne Russo suggested they recommend sending the PM to DEP before the plan gets preliminary approval. That way if DEP does come back with significant changes, the plan can be altered.

Walt Leis voiced some concern about the drip fields and stormwater management creating a shallow water problem. Ron Ragan said that this was something that Ralph DeFazio of the Chester County Health Department, had mentioned to him when they ran into each other at a meeting last week. Walt said that he did not necessarily agree, and that he thought that DEP should be allowed to take a technical shot.

A motion was made by Cliff Lee, seconded by Mike Rebert, to recommend the PM be sent to DEP before the preliminary plan is approved, so we can get the data we need to make our decision about the open space issues. The motion carried.

Aye: 4      Nay: 2 (Percy Reynolds, Gene Turns)      Abstained: 1 (Walt Leis)

Ron Ragan said he would draft the Component 4A section of the PM, and that he, Marianne Russo and PJ Scheese would discuss it before sending it to DEP.

Joe Bauer referred to Page 8, item 22 of Ron's review letter, regarding the trail system. Jahan said that for right now this would be a private trail system that the HOA would maintain. The sidewalks are dovetailed into these trails that are a quarry dust path.

James Ferver – Jim Fritsch of Regester presented. There was some discussion about the waivers being requested. Jim Gade's review letter indicated that the applicant was requesting waivers from 402.03.C, 402.03.D and 402.03.E of the SALDO. Jim Fritsch said that he was requesting waivers from 402.03.C & E, but not from 402.03.D. He said instead he was looking for a waiver from 403.03.D. These waivers he was requesting would be from the following:

*Section 402.03.C: That the preliminary plan will show "the following items when located within one hundred (100) feet of the subject tract:*

- 1. The location and name of existing rights-of-way and cartways for streets, access drives, driveways, and service street.*
- 2. The location of the following features and any related rights-of-way; sanitary sewer mains, water supply mains, fire hydrants, building, and storm water management facilities.*
- 3. The location of existing rights-of-way for electric, gas, and oil transmission lines, and railroads.*
- 4. The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows from the subject tract."*

*Section 402.03.E: That the preliminary plan will show "the following items when located within one hundred (100) feet of the subject tract or upon the site proposed for development: significant environmental or topographic features including but not limited to flood plains, wetlands, quarry sites, solid waste disposal areas, historic features, cemetery or burial sites, archaeological sites, highly erosive soils, or wooded areas. Additionally, the preliminary plan shall indicate any proposed disturbance, encroachment, or alteration of such features when located upon the site proposed for development."*

Section 403.03.D: That the final plan will show "the following items when located within one hundred (100) feet of the subject tract:

1. The location and name of existing rights-of-way and cartways for streets, access drives, and service streets.
2. The approximate location of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, and storm water management facilities which affect the storm water runoff from the subject tract.
3. The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows from the subject."

Another waiver requested was from 502.16.D of the SALDO:

*"All driveways shall be surfaced with erosion-resistant materials from the edge of the street cartway to a point in the lot twenty-five (25) feet from the street right-of-way line. Where the grade of the driveway is eight percent (8%) or greater, it shall be surfaced with erosion-resistant materials. The remainder of the driveway may be constructed of any suitable stone or paved surface.*

Jim Fritsch said he would remove this waiver and they want to use pervious pavement so water can perk through it and not cause additional runoff.

Jim Fritsch also requested a waiver from having to do both a preliminary and a final plan. He would like to combine them into a single plan. Since Jim Gade, the engineering reviewing this plan for the township was not there, this was deferred until the next PC meeting.

A motion was made to grant the waiver from 402.03.C by Joe Bauer, seconded by Walt Leis. The motion carried.

Aye: 7      Nay: 0

A motion was made to grant the waiver from 403.03.D by Joe Bauer, seconded by Mike Rebert. The motion carried.

Aye: 7      Nay: 0

A motion was made to grant the waiver from 402.03.E by Mike Rebert, seconded by Percy Reynolds. The motion carried.

Aye: 6      Nay: 1 (Cliff Lee)

Jim Fritsch asked for approval as a preliminary plan. A motion was made by Percy Reynolds, seconded by Gene Turns, to approve this plan as a preliminary plan with issues to be resolved before final approval. The motion carried.

Aye: 7      Nay: 0

Chamberlain/Nelson Schoolhouse – There were no outstanding issues. A motion was made by Joe Bauer, seconded by Cliff Lee, to grant preliminary plan approval. The motion carried.

Aye: 7      Nay: 0

No discussion or action taken on:

Jean Lawrie-Parker

Wicklows

Cooper Farm

Meadowview Estates (Option 1 – Cluster)

Liz Miller Farm

Windle

Tom Swift

Cook Bros.

Lewis Tract

Meadowview Estates (Option 2)

Hostetter shepherd

Extension Letters

A motion was made by Joe Bauer, seconded by Mike Rebert, to request ninety (90) day extension letters from the following:

Chamberlain/Nelson Schoolhouse  
Elkdale Green  
Meadowview Estates  
Century Oak

Cook Bros  
Jordan Manor  
Tom Swift  
Woods at Nottingham

The motion carried.

Aye: 7      Nay: 0

**Correspondence**

There was none

**PC Members**

Nothing

**Visitors**

Nothing

A motion was made by Cliff Lee, seconded by Mike Rebert, to adjourn the meeting. The motion carried.

Aye: 7      Nay: 0

The meeting adjourned at 8:43pm.

Respectfully Submitted,



PJ Scheese  
Planning Commission Secretary

APPROVED:

Date 9/26/05



Marianne H. Russo, Chairperson