

**Date of Mailing of Notice of Decision:**

August 16, 2019

Wendy W. McLean, Esquire  
Lentz, Cantor & Massey  
460 East King Road  
Malvern, PA 19355

Re: Preliminary/Final Subdivision Approval  
Tax Parcel Number 35-1-16  
Charlestown Township, Chester County

Dear Ms. McLean:

As required by Section 508 of the Pennsylvania Municipalities Planning Code, this correspondence will serve to memorialize the decision rendered by the Board of Supervisors of Charlestown Township on Monday, August 5, 2019, conditionally approving the preliminary/final subdivision plan application of Donald and Elizabeth Andersen for the property located at 23 Eastwick Road, Malvern, PA 19355 consisting of 13.3665 acres of land improved with a single family dwelling also identified as Tax Parcel # 35-1-16.

The conditions of final land development approval are set forth below. The final plan as referenced in this correspondence is the plan and correspondence as prepared by E.B. Walsh & Associates entitled Minor Subdivision Plan last revised July 3, 2019, consisting of 4 sheets; and as may be further supplemented by this correspondence (the "Final Plans").

The Applicants shall comply with each of the following conditions of final plan approval.

1. Compliance with all outstanding comments set forth in the Township engineer, Advanced Geoservices review letter of July 16, 2019 attached as Exhibit A, and receipt of a written letter from the Township engineer confirming the same.
2. Compliance with outstanding comments set forth in the Thomas Comitta Associates review letter dated July 10, 2019 attached as Exhibit B.
3. The Applicants shall improve Eastwick Road from Church Road to the driveway to Lot 1 as shown on the Plan to conform to the standards for road construction in the Subdivision and Land Development Ordinance by adding depressed curbs and ensuring a minimum width of 18 feet in order to comply with Section 1610.2 of the Zoning Ordinance.
4. Before recording the Plan, the Applicant shall post financial security acceptable to the Township in order to secure improvements to Eastwick Road. No use and occupancy permit for the

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proposed dwelling on Lot 2 shall be issued until the improvements to Eastwick Road have been constructed.

5. The Applicants shall implement any necessary stormwater management related to existing drainage facilities for Eastwick Road and at the intersection of Eastwick Road and Church Road subject to approval by the Township Engineer and PennDOT.

6. Before recording the Plan, the Applicants shall provide to the Township an amended Private Drive and Maintenance Agreement providing for the use of Eastwick Road by the owner of Lot 2 and executed by the owners of the lots utilizing Eastwick Road to the satisfaction of the Township Solicitor.

7. The payment of any outstanding review fees, pursuant to Section 503 of the Municipalities Planning Code, including, but not limited to, professional consultations, engineering review and reporting, legal documentation preparation and submittal, legal research and other legal services, incurred by the Township, within thirty (30) days after invoicing.

Please confirm in writing the acceptance of the terms set forth above within 15 days of the date of this correspondence, by signing the enclosed copy and returning the same to this office.

Very truly yours,

LAMB MCERLANE PC

By: 

Mark P. Thompson

The above conditions are accepted and agreed to this \_\_ day of \_\_\_\_\_, 2019.

Wendy W. McLean, Esq.

By: \_\_\_\_\_

Enclosures

cc: Board of Supervisors  
Linda M. Csete  
Daniel Wright, P.E.  
Daniel B. Mallach

July 16, 2019

2017-3711

Mr. Frank A. Piliero, Chairman  
Charlestown Township Board of Supervisors  
1018 Green Lane Road  
Malvern, PA 19355

RE: Minor Subdivision Plan Review – 2 Lot Subdivision  
Donald H. & Elizabeth L. Andersen (Owner)  
23 Eastwick Drive, Malvern, PA 19355

Dear Mr. Piliero:

I have reviewed the Minor Subdivision Plan Set (four sheets), prepared by E.B. Walsh & Associates, last revised July 3, 2019, for the above referenced project, in conjunction with our previous review dated May 21, 2019, and offer the following additional comments:

1. The Applicant proposes to subdivide an approximately 13 acre parcel into two lots of approximately 9 and 4 acres with the existing dwelling and associated improvements being located on the 9 acre lot (Lot 1). Both lots are proposed to access Eastwick Road, a private road. The subject parcel is zoned FR Farm Residential. No improvements are proposed on either lot at this time since the application is for subdivision approval only. Zoning and Erosion and Sedimentation Control and Grading Permits will be required prior to the start of construction of any improvements on either lot, and a stormwater management plan in compliance with the Township's Stormwater Management Ordinance will also be required.

**This item has been resolved.**

2. Eastwick Road is a private road entirely on UPI 35-03-65.3 with an access easement for use of the road for UPI 35-03-65.2 and UPI 35-01-16 (the subject tract). The Applicant will need to obtain an updated access agreement for Lot 2 from the owner of UPI 35-03-65.3 as a condition of final approval.

**Applicant indicates the updated agreement will be forwarded to the Township under separate cover by the Applicant's legal counsel. This is an open issue.**

3. General Note 8.b on Sheet 1 shall be updated to indicate no disturbance of the steep slopes will be allowed for the construction of the dwelling, on-lot septic system, or accessory structures unless the disturbance is approved through the Conditional Use process since the disturbance approved under the Conditional Use Order was for the stormwater management facilities.

**This item has been resolved.**

4. The proposed level spreader discharges onto steep slopes. A note shall be added to the plans indicating that stormwater management and storm drainage calculations shall be

provided with the Erosion and Sedimentation Control Permit Application indicating that the existing conditions have adequate cover to withstand the proposed flows without eroding.

**This item has been resolved.**

5. General Note 3 on Sheet 1 shall be updated to clarify the proposed driveway cannot be built until a Zoning Permit and Erosion and Sedimentation Control and Grading Permit are approved showing the impacts from the driveway.

**This item has been resolved.**

6. The Improvement Notes on Sheet 3 shall be copied to Sheet 1 since this sheet will be recorded.

**This item has been resolved.**

7. We defer to the Township's Land Planner for review of the Landscape Plan.

**This item has been resolved.**

8. A note shall be added to Sheet 1 indicating any impacts to the steep slopes along the existing farm lane other than from paving the existing footprint of the lane will require Conditional Use approval.

**This item has been resolved.**

9. An Erosion and Sedimentation Control Plan is required to be submitted with the Minor Subdivision in accordance with Subdivision and Land Development Ordinance (SLDO) 22-408.5.V. This plan shall be added to the plan set. As an alternative, we support a waiver from this requirement since no improvements are proposed at this time.

**This item has been resolved.**

10. A note is required indicating the closure error of each property is not more than 1 in 10,000 feet in accordance with SLDO 22-408.5.W.

**This item has been resolved.**

11. The updated property deeds for both lots shall be provided for review in accordance with SLDO 22-408.5.GG.

**Applicant indicates legal descriptions for Lots 1 and 2 will be provided under separate cover. This is an open issue.**

12. The Sewage Facilities Planning Module for the project has been sent to the Chester County Health Department. Once Section H of the module has been signed by the Health

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Department, the Township will complete Sections J and K and the Completeness Checklist, and forward the module to the PADEP.

**Applicant indicates the Planning Module has been forwarded to PADEP and approval is pending. This is an open issue.**

If you have any further questions, please contact me.

Very truly yours,

ADVANCED GEOSERVICES CORP.

Daniel T. Wright, P.E.  
Township Engineer/Zoning Officer  
Charlestown Township

DTW:hbd

cc: CT Board of Supervisors  
CT Planning Commission  
Linda Csete, CT Manager  
Lisa Gardner  
Mark Thompson, Esq.  
Mr. Donald Andersen  
E.B. Walsh & Associates



THOMAS COMMITTA ASSOCIATES, INC.  
Town Planners & Landscape Architects

M E M O R A N D U M

TO: Charlestown Township Officials  
Linda M. Csete, Township Manager  
Daniel T. Wright, P.E., Township Engineer  
Mark P. Thompson, Esq., Township Solicitor  
Donald and Elizabeth Andersen, Applicant

FROM: Daniel B. Mallach, RLA, AICP, ASLA  
Thomas J. Comitta, AICP, CNU-A, RLA

DATE: July 10, 2019

SUBJECT: **REVIEW COMMENTS – ANDERSEN / 23 EASTWICK ROAD**  
**SUBDIVISION PLAN SUBMISSION DATED REVISED JULY 3, 2019**  
**CONSERVATION DESIGN REPORT DATED JULY 3, 2019**

Please note the enclosed Review Comments pertaining to the following document that we received on July 9, 2019:

- Minor Subdivision Plan consisting of four (4) sheets prepared by Edward B. Walsh & Associates, Inc., dated revised July 3, 2019;
  - Conservation Design Report prepared by Edward B. Walsh & Associates, Inc., dated July 3, 2019;
- and
- Response Letter prepared by Daniel H. Daley, P.E., Edward B. Walsh & Associates, Inc., dated revised July 8, 2019.

Please call or email if there are any questions.



THOMAS COMMITTA ASSOCIATES, INC.  
Town Planners & Landscape Architects

**REVIEW COMMENTS – ANDERSEN / 23 EASTWICK ROAD**  
**SUBDIVISION PLAN SUBMISSION DATED REVISED JULY 3, 2019**  
**CONSERVATION DESIGN REPORT DATED JULY 3, 2019**

July 10, 2019

The following Review Comments pertain to the document listed in the Cover Memorandum.

**Items from our Review Comments dated May 29, 2019 that have been addressed are so noted.**

**New and updated text is in bold type.**

**1. Overview**

The Plan indicates a subdivision of one (1) into two (2) lots, with the existing single-family detached dwelling and associated improvements located on Lot 1 with no proposed modifications, and with a new single-family detached dwelling and associated improvements envisioned for the proposed Lot 2.

This project received Conditional Use Approval on May 6, 2019, to permit disturbance of Steep Slopes for stormwater management facilities. As no improvements are proposed on this Subdivision Plan, Zoning, Erosion and Sedimentation Control and Grading Permits will still be required prior to any site work. A Stormwater Management Plan shall also be submitted in accordance with Chapter 23, the Charlestown Township Stormwater Management Ordinance.

**2. Visual Buffering and Planting Information**

Per §22-512.2 of the Charlestown Township Subdivision and Land Development Ordinance (SLDO), the Board of Supervisors may require plantings to fulfill screening purposes.

Consistent with §22-512.2 (SLDO), a Landscape Plan (Sheet 4) has been submitted with this Minor Subdivision Plan submission. The Landscape Plan indicates 16 evergreen trees (Norway Spruce) between the existing Lot 1 dwelling and a future Lot 2 dwelling. This will enhance the buffering provided by existing deciduous vegetation.

As recommended, the proposed evergreen trees are specified at a minimum height of eight feet (8'), and are appropriately spaced in an alternating ("zig-zag") row within the 50-foot yard setback adjacent to the (proposed) shared property line.

As stated in Landscape Plan Note 2, these trees shall be installed prior to the issuance of a Certificate of Occupancy for Lot 2.

Therefore, because the Landscape Plan of this Minor Subdivision Plan will not be recorded, a Note **has now been placed** on the Sheet 1 Title Plan that requires the **"Future Applicant of Lot 2 submit a Landscape Plan" including "Planting Design, Notes, Plant Schedule and Details" consistent with the referenced Ordinance requirements and the Landscape Plan that has been included with the Minor Subdivision Plan.**

**As it pertains to the preparation of the Minor Subdivision Plan, this item has been resolved.**



THOMAS COMMITTA ASSOCIATES, INC.  
Town Planners & Landscape Architects

**REVIEW COMMENTS – ANDERSEN / 23 EASTWICK ROAD**  
**SUBDIVISION PLAN SUBMISSION DATED REVISED JULY 3, 2019**  
**CONSERVATION DESIGN REPORT DATED JULY 3, 2019**

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**3. Tree Preservation**

Consistent with §22-512.1.E (SLDO), Tree Protection Fencing (TPF) shall be installed at the Limit of Disturbance where it is within 25 feet of vegetation to be preserved.

Accordingly, TPF has been indicated on the Landscape Plan (Sheet 4) adjacent to the proposed Lot 2 driveway, and along the tree lines to the west and south of the proposed grading. Good TPF details have also been provided on the Landscape Plan.

Please note the recommendations in below comments 3.A through 3.C.

- 3.A The Tree Protection information (Plan graphics and details) should be included on a forthcoming Erosion and Sedimentation Control Plan and Grading Permit Plan.

Corresponding E & S Notes and Details should direct TPF installation at the beginning of construction activity, and fence maintenance through the conclusion of construction activity.

This information should be included with the E & S submissions because while the installation of trees per the Landscape Plan is typically a later-stage component of site work, the installation of the TPF is critical early-stage work, similar to the installation of controls like Silt Fencing.

**No further comment.**

- 3.B Because the Landscape Plan of this Minor Subdivision Plan will not be recorded, a Note **has now been placed as requested** on the Sheet 1 Title Plan that requires the Tree Protection information be included with the Erosion and Sedimentation Control Plan and Grading Permit Plan, and that the **“tree protection fence must be installed prior to the start of any earth disturbance activities”**.

**As it pertains to the preparation of the Minor Subdivision Plan, this item has been resolved.**

- 3.C **As requested**, a line type is **now utilized** for the TPF that differs from the “Existing Fence” line type, and the TPF line is **now labeled** on the Plan graphic in addition to in the Legend.

**As it pertains to the preparation of the Minor Subdivision Plan, this item has been resolved.**

**4. Tree Replacement - None Recommended (with Successful Tree Protection)**

Per §22-512.1.D (SLDO), shade trees of six inches (6") diameter-at-breast-height (DBH) or more shall be preserved, and the Board of Supervisors may require the Landowner or Developer to plant one (1) tree of not less than three inches (3") in caliper for each tree of 12 inches DBH or greater that is removed.





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**REVIEW COMMENTS – ANDERSEN / 23 EASTWICK ROAD**  
**SUBDIVISION PLAN SUBMISSION DATED REVISED JULY 3, 2019**  
**CONSERVATION DESIGN REPORT DATED JULY 3, 2019**

July 10, 2019

It appears that some trees may have to be removed to effect proposed grading and to construct proposed Lot 2 improvements. As such, we had previously recommended that the Plan mark the particular trees of 12-inches DBH and greater that will need to be removed.

However, based on the proposed location of Tree Protection Fencing, and the sizes of the adjacent trees, any removal of trees of 12 inches DBH and greater will be offset by the installation of the 16 proposed evergreen trees.

Therefore, assuming the trees indicated for protection are successfully preserved during construction, we still recommend that no additional replacement trees be required. **No further comment.**

**5. Minor Subdivision Plan - Conservation Design Report Required**

Per §22-408.5.A (SLDO), a Final Plan for a Minor Subdivision shall include "a brief written report describing the objectives of the conservation design of the subdivision, with emphasis on protecting the natural, scenic and historic values of the environment".

**A Conservation Design Report has been submitted. We consider this Report to be satisfactory.**

**This item has been resolved.**

**6. Conclusion**

**As it pertains to the preparation of the Minor Subdivision Plan and the submission of the Conservation Design Report, all previously noted items have been addressed to our satisfaction, and we have no new recommendations.**

Please call or email if there are any questions.