



Memorandum

To: Paul Singer
From: Craig M. Bonenberger, SEO/ Jason P. Shaner, PE
CC: File 090026
Date: 4/20/2009
Re: 1550 Pottstown Pike Feasibility Study

The site under investigation is an 18 acre tract of land located on the east side of Pottstown Pike (SR 0100) in West Vincent Township, approximately 800 feet north of the intersection with Horseshoe Trail. The site is a very steep and rolling woodland tract that contains several freshwater wetland complexes. Although the site has approximately 670 feet of frontage on Pottstown Pike the site is physically separated from the road by a significant stream, and existing physical vehicular access is limited to an existing 10' wide driveway with an existing culvert. The site contains an existing house, barn and accessory buildings that are in extremely poor condition. The site does not have access to public sewer and/or water facilities, and these utilities will need to be provided on-site. The existing house is serviced by on-site sewer and water.

The stream mentioned in the above paragraph is the headwaters of an unnamed tributary to the Beaver Run, in the French Creek Watershed. DEP has this drainage basin listed as having an existing use designation of Exceptional Value (EV) and it is also listed as a wild trout reproduction stream, making the wetlands on site designated as Exceptional Value as well. The Exceptional Value designation means that an Individual NPDES Permit will be required for stormwater discharge from a construction site (the General NPDES Permit may not be used), a Joint Permit Application will be required to do any work in the wetlands (General Permits may not be used), and a full Act 537 Planning Module must be approved (the Exemption may not be used). Basically, the EV status increases the level of effort required to obtain any environmental permits from the Department of Environmental Protection that may be needed to develop the site.

According to a set of plans prepared by Aston Surveyors and Engineers, there was an attempt to develop the site in 1995 as three single family detached lots. As such, the soil, wetland, septic testing and topographic information used to develop this memo and accompanying sketches was taken from those plans, and verified visually where possible during a site visit conducted by our office on March 27,

2009. The steep slopes, and wetland areas used in the Adjusted Tract Acreage (ATA) calculations (See the section on Zoning below) were scaled from the above referenced plan set.

ZONING, SUBDIVISION AND LAND DEVELOPMENT

The West Vincent Township Zoning Ordinance of 2003 and the West Vincent Township Subdivision and Land Development Ordinance of 1998, including numerous amendments to both, were reviewed for requirements and restrictions pertaining to development of this site. According to the Township, newer versions of the Ordinances are scheduled for publication in mid 2009. Again, according to the Township, the new ordinances are intended to incorporate the numerous amendments into single documents, however, this does not preclude the Township from adding additional restrictions and requirements that could affect the development of the site. Any subdivision plan submitted before the adoption of any new ordinances or regulations would lock in the requirements of the current ordinance, regardless of any more restrictive provisions in the new ordinance.

The site is zoned R-2 Residential, and as such, there are five Tiers, or levels of intensity, allowed for the development of the site. Each Tier allows a different level of development intensity and density, as follows;

Tier 1: 1 Dwelling Unit (DU)/ 10 Acres of Gross Tract (In addition, two accessory dwelling units are allowed per lot)

Tier 2: 1 DU/5 Acres of (ATA-5%)

Tier 3: 1 DU/80,000 SF of ATA

Tier 4: 1 DU/60,000 SF of ATA

Tier 5: Minimum tract area required is 100 acres, cannot be used on this site.

Adjusted Tract Acreage (ATA) is used to calculate the allowable density for several of the Tiers. By definition, the ATA is the gross tract area – the existing road right-of-way– 75% of the wetland area – 75% of the area with slopes > 25%, resulting in an ATA of approximately 14.79 acres. The calculations are as follows:

Gross Tract Area:	18.295		18.295
Existing Road Right-of-Way:	0.298	=	-0.298
Wetland Area:	1.236 * .75	=	-0.927
Area of Slopes Over 25%:	3.03 * .75	=	-2.273
	<u>ATA =</u>		<u>14.79 Acres</u>

Utilizing the allowable density calculations listed above, the different Tiers would provide the following allowable yield of lots:

Tier 1: 1 Lot (gross tract area is less than 20 acres) with two possible accessory dwellings.

Tier 2: $14.79 \text{ ac} - 5\% / 5 = 2.8$ (2 Lots)

Tier 3: $14.79 \text{ ac} / 1.837$ (80,000 sf) = 8.05 (8 Lots)

Tier 4: $14.79 \text{ ac} / 1.377$ (60,000 sf) = 10.7 (10 Lots)

Assuming the desire is to develop the site to the maximum intensity allowed, we are eliminating Tier 1 and Tier 2 as viable options from this point forward, focusing on Tier 3 as the target level of development intensity, due to the extent of steep slopes and the potential septic system site limitations.

REQUIRED GREENWAY:

All residential development is required to provide "Greenway", defined as a portion of the tract set aside as open space and is comprised of environmentally constrained land. The level of greenway required is determined by the proposed development Tier, and the amount environmentally sensitive land area as follows;

Tier 3: Minimum Required Greenway; $50\% \text{ ATA } (14.79 * 0.5) + \text{Primary Conservation Areas } (4.27 \text{ acres}) = 11.67 \text{ acres}$. The land areas of the steep slopes and wetlands are the Primary Conservation Areas used to calculate the Minimum Greenway Requirement. A maximum of 10% of the greenway area may be used for on-site sewage disposal facilities.

STEEP SLOPE CONSERVATION DISTRICT (SECTION 1704):

This overlay district is actually two districts, the Precautionary Slope District (15 – 25% slopes) and the Prohibitive Slope District (over 25% slopes), and both will apply to this property. The Precautionary District allows houses, individual and common driveways, and grading, while the Prohibitive District allows only individual and common driveways. This section also contains some confusing language that should be clarified with the Zoning Officer prior to proceeding. Under Conditional Uses, both districts include Cuts and Fills as requiring Conditional Use, however, we are unsure how this affects or is affected by the "by right" grading, home construction and driveway construction. ***There is a potential that a Conditional Use may be required to develop this property due to the slopes on the site.***

HISTORIC PRESERVATION OVERLAY DISTRICT (SECTION 2400)

According to the West Vincent Township Site Inventory (Appendix E and the Historic Resources Map) the site is inventoried as a Class III (Medium historic value) site and the restrictions of Section 2400 may be applicable. Prior to demolition of and Class III historic resource, a permit must be obtained from the Zoning Officer after review by the Township Historical Commission, and possibly the Board of Supervisors.

SKETCH 1

Sketch 1, with 5 lots, shows what we believe to be the highest yield of new lots that can be obtained by developing the property under the existing rules and regulations, and , may actually need a Zoning Variance of Section 2211 – Interior Lot, depending on the determination of the Zoning Officer, whether lots 1 through 3 are considered “Interior Lots”. A maximum of 3 lots may be accessed by a shared, common driveway, therefore, anything more than three lots on this site would require a new street, as shown on Sketch 1, or possibly two common driveways with several lots taking access from each. Either way, the existing connection to Pottstown Pike would not be wide enough to accommodate a second, or wider access, and a Joint Permit will be required to disturb the wetlands to improve access enough to get 5 lots. The SALDO requires that private streets be constructed to the same standards as a public street, with the main difference being that the maintenance responsibilities would fall to a homeowners association.

Three of the lots are “flag lots”, with a narrow pole for a driveway (30 feet wide), connecting to the new proposed road. While the width of the pole does meet the minimum lot width criteria at the street line, these lots may be viewed by the Zoning Officer as “Interior Lots”, which would need to come under the regulations of Section 2211, requiring a 4 lot separation between access poles, and a 200 foot separation distance from the cul-de-sac turn around for the access poles. If these regulations are found to be applicable, a Zoning Variance would be required to develop this layout. The maximum length of the “pole” section of the lot is 350 feet under Tier 3 regulations. The configuration of the lots would allow for a single, shared driveway with an easement to access all three lots under the provisions of the Shared Driveway section of the Subdivision and Land Development Ordinance (SALDO).

The lots have been designed to include the three areas that were tested in 1995 for on-site sewer, however, two additional test sites will need to be found. The layout is intended to take advantage of the 10% allowance for septic systems in the greenway.

This layout would also involve the West Vincent Township Historic Commission under the provisions of the Historic Preservation Overlay District to obtain approval to demolish the existing structures to build the new road.

In our opinion, this layout, while gaining two more lots than Sketch 2, does not represent the highest dollar yield from developing the site, due to the cost of the Joint Permit, the added layer of the Historic Preservation Overlay, and the construction of a public or private road. If the "Interior Lot provisions come into play, and the Variance is not granted, this concept would not be feasible.

SKETCH 2

This sketch takes advantage of the ability under the SALDO to provide access to up to three lots from a shared driveway, and in fact, is very similar to the design of the Hanebury Subdivision done by Aston in 1995. All three lots have the minimum road frontage of 60 feet as required under the Tier 3 regulations, therefore they should not be considered "flag lots", should not be subject to the Interior Lot provisions of Section 2211, and should not be limited to the 350 feet maximum pole length requirement. Physical vehicular access would be by way of the existing driveway. This has several advantages in that the minimum width for a shared driveway is 12 feet, as opposed to 20 feet for a public road. Although it may be tight, and the break in the existing guiderail along Pottstown Pike will need to be widened, there may be enough room to widen the existing driveway to 12 feet without disturbing the wetlands on either side, thereby eliminating the expense the Joint Permit Application, in addition to the cost of building a public or private street.

This layout may require a waiver from Section 605.F of the SALDO pertaining to lot width to depth ratio. Although the ordinance uses terms such as desirable, practicable and special when discussing the maximum 2.5:1 depth to width ratio, this very well may become a point of discussion and a waiver approval due to the unusually narrow, deep lots laid out to overcome the sites slope restrictions.

We highly recommend a meeting with the Zoning Officer to clarify the applicability of the Interior Lot provisions as the next step, no matter which layout is pursued.

Please review this Feasibility Study and attached Sketch plans and we will be happy to meet with you or talk with you on the telephone to discuss any questions you may have and to develop an action plan for the project.