

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING
Stokes Assembly Hall
1039 Wilmington Pike, Westtown Township
June 21, 2006 - 7:30PM

Present: Commissioners Criddle, House, Adler, Purcell, Lees, and Pomerantz. Also present were Township Manager Bob Layman, Township Engineer Robert Pingar, and those mentioned below.

Call to Order and Pledge of Allegiance. Mr. Purcell led those present in the Pledge of Allegiance to the Flag and called the meeting to order.

Adoption of Agenda. The Agenda was adopted as presented (RP/JL).

Approval of Minutes. The minutes of the meeting of June 7 2006, were unanimously approved as presented (DC/JH).

Announcements. Elaine Adler announced that the Township's sewer consultant, URS Corporation, is conducting smoke tests and other studies of the sewer system in the Westtown-Chester Creek section of the Township. Residents have been notified.

Reports. Jeff House reported on the June 19th Board Meeting. He reported that a Nickelodeon film crew has been working in the Township. The Board commented further on the Koberg subdivision, Tract 2006-4, stipulating that the parcel could only be subdivided and improved with the installation of public sewer and that no on-site sewer system is acceptable. If public sewer is not available, the new lot would be required to use a pump and haul arrangement. Mr. Koberg will be attending the July 3rd Board meeting to further discuss the matter. The Supervisors also voted to approve a cable franchise agreement with Verizon. This is not related to phone service.

Non Agenda Public Comment. – None at this time.

Fencing of Retention Ponds. Township Solicitor Robert Adams was present to discuss his memo with the Planning Commission. He explained that in general government enjoys immunity from civil liability with some specific exceptions. He does not believe that the Township is under any obligation to enact fencing regulations. He further stated that unless and until some court says the municipalities must require fencing, such regulations might actually increase liability for the township.

Mr. House asked if the same conclusions applied to natural bodies of water. Mr. Adams indicated they did. Mr. Layman reported on the residents' complaints about basins which led him to request the PC consider the issue.

Other topics explored by the Commission and the Solicitor were the questions of insurance, the resources and expense involved in enforcement of fencing regulations, the increased liability in the event of accidents occurring as a result of failure to maintain any required fencing, and the effectiveness of fencing requirements in actually preventing access to ponds. It was noted that requiring temporary fencing during construction might be a useful and enforceable step.

As a result of the discussion, the members concluded that legally there did not seem to be an obligation on the Township to require such fencing. Mr. Pomerantz raised the issue of a moral obligation to provide protective measures. The majority of the Commission seemed to conclude that enacting ordinance

requirements was not the best method of approaching this important safety issue. The Commission does have the ability to specify certain conditions such as temporary fencing in the course of review of land development and can do so without ordinance changes.

The PC would like statistics from the Police Department on accidents related to ponds.

Tract 2005-2, Stambolian. Present was the applicant, John Stambolian. PC received McCormick Taylor review letter dated June 19, 2006, and CCPC letter dated June 16, 2006.

This plan is a reverse subdivision combining three small, non-conforming lots into one conforming building lot. Mr. Pingar noted that the location of the existing sewer main is being revised. Perc tests are being conducted to verify the suitability of the proposed underground retention system. Mr. Pingar noted that proper storm water management is critical in cases such as this where a new house is being introduced into an established neighborhood.

A waiver of subdivision landscaping requirements should be requested. The site has extensive shrubbery and does not need additional plant material at the side and rear, however, two or three street trees should be provided. PC suggested driveway should be flared at the street line.

Mr. Stambolian will contact the office to get on the PC agenda when the discussed plan revisions have been made.

Public Comment. Mr. Stambolian commented on ethical aspects of the proposed Verizon franchise and noted that payments to the Township would increase the cost to the resident.

Adjournment. 9:27PM (MP/JL)

Elaine L. Adler
Planning Commission Secretary