

WORCESTER TOWNSHIP

BOARD OF SUPERVISORS

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2010 - 25

The Preserve at Worcester

PRELIMINARY SUBDIVISION APPROVAL

WHEREAS, KEYSTONE LANDS, INC. ("Developer") is the owner or an affiliate of the owner and developer of five (5) non-contiguous tracts of land consisting of 130.82± acres with frontage on Whitehall Road, Skippack Pike and North Wales Road in Worcester Township; and

WHEREAS, tracts are more particularly identified as Montgomery County Tax Parcel Nos. 67-00-03493-004 ("Unit 17"), 67-00-02648-003 ("Unit 93"), 67-00-02647-409 ("Unit 94"), 67-00-04087-004 ("Unit 4"), and 67-00-03487-001 ("Unit 20") (collectively, the "Development"), and each is zoned "AGR" Agricultural District; and

WHEREAS, the Developer has proposed a conservation subdivision in accordance the provisions of Article XVIA (Conservation Subdivisions) of the Worcester Township Zoning Ordinance ("Conservation Subdivision Ordinance"); and

WHEREAS, the Development is more particularly shown on plans prepared by Woodrow & Associates, Inc., being plans consisting of forty-four (44) sheets dated April 1, 2006, with a last revision date of February 5, 2010 (the "Plans"); and

WHEREAS, the Plans depict thirty-nine (39) buildable lots for single-family detached dwellings with open space to be located on Unit 17 and Unit 93 (comprising approximately 68.4

acres with frontage on North Wales Road) in accordance with Option 1 under provisions of the Conservation Subdivision Ordinance; and

WHEREAS, the Plans further indicate that Unit 4, Unit 20 and Unit 94 (comprising approximately 62.4 acres) shall be open space, and all three units shall be offered to the Township for dedication and any units not accepted by the Township shall be deeded or deed restricted as provided in the zoning ordinance (with the additional open space which is located on Units 17 and 93 deeded to the proposed Homeowners' Association and deed restricted from further subdivision as required); and

WHEREAS, the approval of thirty-nine (39) buildable lots on Unit 17 and Unit 93 is permitted as a transfer of development rights pursuant to an Order of the Board of Supervisors dated October 29, 2010 granting the Developer conditional use approval in accordance with the provisions of Article XVIA, Section 150-110.3.F of the Zoning Ordinance; and

WHEREAS, Developer has previously obtained and supplied or will obtain and supply to the Township all applicable permits and approvals from all Authorities, Agencies and Municipalities having jurisdiction in any way over the Development; and

WHEREAS, the Developer desires to obtain preliminary subdivision approval of the Plans from Worcester Township in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

NOW, THEREFORE, BE IT RESOLVED that Worcester Township hereby grants preliminary approval of the subdivision as shown on the Plans described herein subject, however, to the following conditions:

1. At this time, the Worcester Township Board of Supervisors waives strict compliance with the following provisions of the Worcester Township Subdivision and Land Development Ordinance:

- a. Section 130-15.B(2): Requiring that house sites be no closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas. A waiver is granted for a reduction of the required setback from primary conservation areas to 0 feet.
- b. Section 130-16: Requiring the improvement of Skippack Pike, Whitehall Road, and North Wales Road in their entirety. Developer shall improve Skippack Pike, Whitehall Road, and North Wales Road as shown on the Plans.
- c. Section 130-16.B(2)(a): Requiring a minimum radius of 150 feet at the centerline for horizontal curves on residential streets.
- d. Section 130-16.B(2)(b): Requiring a tangent of at least 100 feet measured at the center line between reverse curves on all streets except local streets.
- e. Section 130-16.B(4)(d): Requiring that grades within 50 feet of any side of an intersection not exceed 3%.
- f. Section 130-16.C(1)(a)[4]: Requiring a minimum right-of-way width of 50 feet and a minimum paved width of 32 feet for residential streets. A waiver is granted for a reduction of the required pavement width of 32 feet for all roads in the Development as depicted on the Plans. A waiver from the 50-foot right-of-way width is granted for certain portions of the roads in the Development as depicted on the Plans.
- g. Section 130-16.E(6): Requiring that the maximum grade within any intersection shall not exceed 1% and that approaches to an intersection shall follow a straight horizontal course for 100 feet.
- h. Section 130-16.E(7): Requiring that approach grades not exceed 3% for a distance of 50 feet from an intersection.
- i. Section 130-16.E(8): Requiring that the radii of pavement intersections for residential streets be a minimum of 25 feet.

j. Section 130-18.1.a: Requiring concrete curbing along proposed roadways.

A waiver is granted for the use of either rolled curbing or Belgian block curbing (one or the other exclusively) on interior roadways. The decision on the type of alternative curbing shall be worked out to the satisfaction of the Township prior to Final Plan Approval. Prior to final plan approval, all proposed curbing along North Wales Road and Skippack Pike shall be removed from the Plans so that the curbing for the interior roadways providing ingress and egress from North Wales Road and Skippack Pike terminates at the beginning of the radius of such curbing.

k. Section 130-20.A.4: Requiring the lot widths on each frontage of a corner

lot to be a minimum of 1 1/2 times the minimum width of the interior lot on the same block.

l. Section 130-22.B(1): Requiring that building setback lines be measured

from the nearest side of easements to the proposed building, to the extent applicable.

m. Section 130-22.B(2) and 130-22.D(1). Requiring that nothing shall be

permitted to be placed, planted, set or put within the area of an easement (except lawn).

n. Section 130-23: Requiring that monuments be located at all corners and

angle points of the boundaries of the original tract to be subdivided. This waiver has been requested with respect to Units 4, 20 and 94 only. A full waiver is granted with respect to Units 4 and 94. A partial waiver is granted with respect to Unit 20 in that the Developer shall monument the corners and angle points of the boundary between Unit 20 and Block 22, Unit 24 (Montgomery County Tax Parcel No. 67-00-04090-00-1).

o. Section 130-24.B(3)(e)[2]: Permitting the use of reinforced concrete pipe

or corrugated metal pipe within lawn or field areas as approved by the Township Engineer. A waiver is granted to permit the use of ADS or CMP storm pipe outside right-of-way and lawn areas as shown on the Plans.

p. Section 130-24.B.(3)(j): Requiring a minimum of three (3) feet of cover over storm drain pipes.

q. Section 130-24.B.(4)(f)[2]: Requiring the detention of the quantity of water resulting from a 100-year, 24-hour storm under full development conditions to be released at a maximum outflow rate equal to that resulting from a 10-year, 24-hour storm under present conditions.

r. Section 130-24.B.(4)(f)[7]: Requiring a minimum of two feet of freeboard from the design flow in the emergency spillway to the top of berm elevation for each of the four proposed spillways.

s. Section 130-24.B.(4)(f)[13]: Requiring that the distance from the highest free water surface of any detention basin or drainage facility to a dwelling unit shall be a minimum of 100 feet.

2. Prior to final approval, Developer shall enter into an agreement with the Township addressing all of the issues related to the transfer of development rights contemplated by the Zoning Ordinance and specifying (1) the maximum number of units permitted on each of the tracts comprising the Development; (2) the minimum required open space on each tract, which shall meet the requirements of Section 150-110.11C of the Zoning Ordinance; and (3) other conditions determined to be necessary by the Township.

3. Prior to final approval, Developer shall offer the Township the dedication of Units 4, 20 and 94 for Township open space. The Township shall have the right, but not the obligation to accept dedication of Units 4, 20 and 94 for Township open space. If the Township does not accept dedication, then the ownership and use of Units 4, 20 and 94 as open space shall be in accordance with Article XVIA of the Zoning Ordinance.

4. Prior to final approval, Developer shall submit documents to the Township verifying that the proposed Homeowners Association has been or will be formed and operated in accordance with Section 150-110.12.B.3 of the Worcester Township Zoning Ordinance, to the satisfaction of the Township Solicitor.

5. Prior to final approval, Developer shall submit to the Township Solicitor for review and approval the deed or deeds transferring ownership of Unit 94 and the open space depicted on Units 17 and 93 from the Developer to the Homeowners Association and restricting the further subdivision and use of such areas. The deed for Unit 94 shall also covenant that Unit 94 shall remain in its natural state with maintenance access from the existing accessway through the PECO right-of-way.

6. Prior to final approval, Developer shall submit to the Township Engineer for review and approval the alluvial soil and wetlands evaluation study referenced in Note 8 on Sheet 4 of the Plans.

7. Prior to final approval, Developer shall submit to the Township (for review and approval) a Corridor Management Plan for all four riparian crossings consistent with Condition #3 of the Conditional Use approval granted by the Board of Supervisors on February 18, 2009.

8. Prior to final approval, Developer shall revise the Plans to label the length of all vertical curves on the road profiles, and shall approximate 25 feet for each 1% change in grade.

9. Prior to final approval, Developer shall revise the Plans to depict the location of sidewalks, where required, between the curb and right-of-way line five feet from the curb line.

10. Prior to final approval, Developer shall provide plans for the proposed wastewater treatment plant to the Township for review and approval. The Developer shall revise the Plans to reference the plan set for the proposed wastewater treatment plant. All approvals from the Pennsylvania Department of Environmental Protection and any other agency having jurisdiction in any way over the proposed plant shall be submitted to the Township prior to or at the time of final approval. Developer shall also provide the Township with signed and acceptable Operations and Management Agreements with the entity that will serve as permittee and operator for the proposed plant.

11. Prior to final approval, the Developer shall provide a letter from the water company serving the Development indicating that there is available capacity and a willingness on the part of the water company to serve the Development.

12. Prior to final approval, the Developer shall revise the Plans to include a Tree Survey Plan in accordance with the Township's Subdivision and Land Development Ordinance.

13. Prior to final approval, the Plans shall be revised to identify the lineal footage of roadways listed in the Landscape Requirement Chart on Sheet 44 of the Plans.

14. Prior to final approval, the proposed screen buffer for the wastewater treatment plant should be updated to reflect the current location of the treatment plant.

15. Prior to final approval, the Developer shall provide the Township with all required stormwater calculations and culvert information for the approved riparian corridor crossings.

16. Prior to final approval, the Plans shall be revised to include a detail for storm sewer manholes.

17. Prior to final approval, Developer shall revise the Plans to resolve, to the satisfaction of the Township, all issues in the Township Engineer's review letter dated June 3, 2010, and all subsequent review letters prepared by the Township Engineer, the entire contents of which are incorporated herein by reference.

18. Prior to final approval, Developer shall obtain and deliver to Township all appropriate permits and approvals required for the Development from the Montgomery County Conservation District, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation and any other agency having jurisdiction over the Development.

19. Prior to final approval, Developer shall revise the Plans to depict the fencing and/or signage proposed at the entrances to the Development in detail or delete such fencing and/or signage from the Plans entirely.

20. Prior to final approval, Developer shall revise the Plans to indicate that the proposed "Liberty Bell Trail" along North Wales Road will be offered to the Township for dedication. If dedication is accepted by the Township, a Trail Easement Agreement shall be executed between the Developer and the Township to provide the Township with an easement over the constructed trail for its use as an all-purpose recreational trail to include, but not be limited to, its use for travel by foot or bicycle, and to provide for the future maintenance of the trail by the Township. The Trail Easement Agreement shall be prepared by the Township Solicitor and recorded simultaneously with the recording of the final, approved plan(s). If the Township does not accept dedication, then the constructed trail shall be offered for dedication to Montgomery County.

21. The Developer's final plan submission shall comply with the Conditional Use Decision and Order of the Board of Supervisors dated October 29, 2010 granting conditional

use approval (as conditioned in the Order) for the transfer of development rights in accordance with the provisions of Article XVIA, Section 150-110.3.F of the Zoning Ordinance.

22. Simultaneously with the recording of the final, approved plan(s), Developer shall record a notice to all future purchasers of the approved lots which specifically identifies the lots that are subject to certain environmental conditions (including, but not limited to, stormwater easements, riparian corridor or steep slopes) in their yard setback areas which may restrict some uses of such yard areas in the future. Such notice shall be reviewed and approved by the Township Solicitor prior to being recorded.

23. The cost of accomplishing, satisfying and meeting all of the terms and conditions and requirements this Preliminary Approval Resolution shall be borne entirely by the Developer and shall be at no cost to the Township.

24. Under the provisions of the Pennsylvania Municipalities Planning Code, the Developer has the right to accept or reject conditions imposed by the Board of Supervisors upon preliminary approval. In the absence of an appeal or a notice of rejection filed in writing within thirty (30) days from the date of this Resolution, the conditions set forth herein shall be deemed to have been accepted by the Developer. If the Township receives written notice of an appeal or rejection of any of the conditions set forth herein within thirty (30) days from the date of this Resolution, this approval and the waivers granted in Paragraph 1 (which waivers are granted contingent upon the acceptance of the conditions set forth herein) shall be deemed to be automatically rescinded and revoked and the application shall be considered denied based upon the failure to fully comply with all of the sections set forth in Paragraph 1, all as authorized by Section 508 of the Pennsylvania Municipalities Planning Code.

APPROVED at the public meeting of the Worcester Township Board of Supervisors held on November 17, 2010.

WORCESTER TOWNSHIP



ARTHUR C. BUSTARD, CHAIRMAN



SUSAN G. CAUGHLAN, VICE CHAIR



STEPHEN C. QUIGLEY, MEMBER

The conditions of this Resolution are hereby accepted by Keystone Lands, Inc.

KEYSTONE LANDS, INC.

By: _____

Mr. Salvatore Paone
Vice President