

REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

MAY 02 2017

Regulatory Branch  
Application Section IISUBJECT: CENAP-OP-R-2012-0595-46 (PASPGP-5 and NJD)  
Project Name: ARCADIA TREDYFFRIN WAYNE GLEN  
(formerly known as the RICHTER PROPERTY)PADEP #: E15-855 and D15-422  
Latitude and Longitude: 40.0833 and -75.4189Mr. Richard D. Wilson, Junior  
Arcadia Tredyffrin LLC  
114 Forrest Avenue, Suite 201  
Narberth, Pennsylvania 19072

Dear Mr. Wilson:

Reference is made to a joint permit applications received from the Pennsylvania Department of Environmental Protection (Southeast Regional and Dam Safety Offices). The approved work is the construction of a dam, culvert with rip-rap outfall apron, and stream modification all along 1000 linear feet of a tributary to Trout Run associated with the construction of a regional detention basin. The work also includes the discharge of fill materials within a 257 square foot wetland as part of the construction of a smaller detention basin associated with subdivision construction. All such work is part of the development of the Wayne Glen residential subdivision located at the southwestern corner of Old Eagle School and Walker Roads, identified as Tax Parcels UPI# 43-6F-13 and 43-6E-95, in Tredyffrin Township, Chester County, Pennsylvania.

We have determined that your proposed work, if accomplished in accordance with the enclosed terms and conditions, is authorized by the Pennsylvania State Programmatic General Permit-5 (PASPGP-5 – Enclosure 1). This PASPGP-5 verification provides federal authorization pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act. This authorization may be subject to modification, suspension, or revocation if any of the information contained in the application, including the plans, is later found to be in error. The following conditions must be followed for purposes of the PASPGP-5. A PASPGP-5 Permit Compliance, Self-Certification Form must be completed and returned to the appropriate U.S. Army Corps of Engineers office upon completion of construction (Enclosure 2).

You are hereby authorized by the U.S. Army Corps of Engineers to conduct the above referenced work under the authority of the enclosed PASPGP-5 (Enclosure 1). Please note that you must conduct the authorized work in accordance with the requirements and conditions of the PASPGP-5 and the special conditions on the following page.

Special Conditions:

1. All work done in association with the above noted project shall be conducted in accordance with the 21-page project plan set prepared by Pennoni Associates, Incorporated and entitled "Wayne Glen Regional Basin and Stream Restoration Construction Plans, Tredyffrin Township, Chester County, Pennsylvania," Project Number ARLC 1201, Sheets 1-3, 6, 9, 10, 12-14, and 17-21 of 21 all dated January 16, 2015, Sheets 4, 7, 8, 15, and 16 of 21 all dated September 1, 2016, Sheet 5 of 21 dated March 9, 2014, and Sheet 11 of 21 dated September 6, 2016, all last revised 1/30/17. The entire subdivision is depicted on a plan prepared by Pennoni Associates, Incorporated and entitled "Wayne Glen, Walker Road and Old Eagle School Road, Tredyffrin Township, Chester County, Pennsylvania, Settlement Plan, Arcadia Tredyffrin, LLC, 114 Forrest Avenue, Suite 201, Narberth, PA 19072," Drawing Number SK-1, Project Number ARLC 1201, Sheet 1 of 1, last revised 12/02/15.

The plans depict the proposed 108-unit Wayne Glen residential subdivision including the construction of a regional stormwater detention basin with Walker Road culvert crossing, stream restoration, temporary sandbag cofferdams, rip-rap apron and discharge of fill materials within wetlands for a small subdivision stormwater management basin construction. The site is located at the southwestern corner of Old Eagle School and Walker Roads, identified as Tax Parcels UPI# 43-6F-13 and 43-6E-95, in Tredyffrin Township, Chester County, Pennsylvania.

2. Construction activities shall not result in the disturbance or alteration of greater than the following:

A) 17,899 square feet of waters of the United States below the ordinary high water mark of Trout Creek associated with the discharge of dredged and/or fill materials in the waterway for a large regional detention basin dam, road culvert, and stream construction and

B) 257 square feet of waters of the United States as wetlands associated with the discharge of fill materials in the waterway for construction of a small subdivision stormwater management basin.

3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. This includes modifications deemed necessary by the contractor at the time of construction. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.

4. This office shall be notified within 10 days of the completion of the authorized work by completing and signing the enclosed "PASPGP-5 PERMIT COMPLIANCE, SELF CERTIFICATION FORM" (Enclosure 2). All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. Except as otherwise noted herein; that no work may commence until both Pennsylvania Department of Environmental Protection permits E15-855 and D15-422 have been fully issued.

6. That no work shall occur within 25 feet of the area denoted "Archaeological Sensitivity" as depicted on the enclosed plan prepared by Pennoni Associates and entitled "Wayne Glen, Walker Road and Old Eagle School Road, Tredyffrin Township, Chester County, Pennsylvania, Grading Plan, Arcadia Tredyffrin, LLC 114 Forrest Avenue, Suite 201, Narberth, PA 19072," Project Number ARLC 1201, Sheet 4 of 21, last revised 1/30/17 until the following actions have occurred:

A) the attached draft "Declaration of Restrictive Covenants for Conservation" (Enclosure 3 - including the associated conservation plan as described above) has been fully executed as approved in draft form by this office and the Pennsylvania Historic and Museum Commission in their letter to Nicole Cooper Minnichbach of this office in their dated April 5, 2017; and

B) that this office has received copy of the executed subject Declaration and all attachments.

7. That the permittee shall adhere to all stipulations and duties of the executed "Declaration of Restrictive Covenants for Conservation" described above.

8. That any future maintenance of the regional basin and stream restoration, including any maintenance as described in the "Wayne Glen Dam Operations & Maintenance Plan" as prepared by Pennoni, dated December 16, 2013, last revised December 5, 2016, will require prior notification, and possible written approval, of this office to determine whether further regulated activities are required and to what extent they may impinge upon, or otherwise disturb, historic resources.

9. If at any time the permittee (Arcadia Tredyffrin, LLC) transfers management authority and/or ownership of the regional basin and restored stream to another party, they shall immediately notify this office of said transfer with identification of the transferee, point of contact, their address, and telephone number.

It should also be noted that the proposed residential subdivision includes construction of a bridge across the main tributary to Trout Creek at the southern side of the proposed subdivision. Based upon the information you have provided, it has been determined that the proposed bridged crossing of Trout Creek described in your submission (approved by PADEP under E15-855 ) will not require the approval of this office since it does not involve regulated activities in Federally regulated waters or wetlands.

If you should have any questions regarding this matter, please contact David Caplan of this office at (215) 656-6731 or write to the above address.

Sincerely,



Edward E. Bonner  
Chief, Regulatory Branch

Enclosures

Copies Furnished:

PADEP, SE Regional Office (Norristown, PA)

PADEP, Waterways Engineering (Harrisburg, PA)

Chester County Conservation District

PHMC, Mark Shaffer

CENAP-PL-ER, Nicole Cooper Minnichbach

Mr. Jonathan Rinde, esq., Manko, Gold, Katcher, and Fox, LLP, 401 City Avenue, Suite 901 |  
Bala Cynwyd, PA 19004

Mr. Christopher Poterjoy, Pennoni, One South Church Street, 2nd Floor, West Chester, PA  
19382

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