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LAND • COMPANY

December 6, 2017

Matt Baumann
Assistant Township Manager/Director of Planning & Zoning
Tredyffrin Township
1100 Duportail Road
Berwyn, PA 19312

Re: *Compliance narrative for Wayne Glen*

Dear Matt:

Today Arcadia Tredyffrin, LLC is submitting the Preliminary / Final Land Development Plan for Wayne Glen. This plan has been prepared in accordance with the Conditional Use decision for Arcadia Tredyffrin, LLC, dated June 22, 2015, as amended via Settlement Agreement dated December 7, 2015.

To demonstrate compliance with the Conditional Use and Settlement Agreement, we have prepared the attached compliance narrative that is intended to illustrate how each condition has been satisfied or will be satisfied in the future.

We hope that this document is helpful to those who review these plans.

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Jason Duckworth". The signature is written in a cursive, flowing style.

Jason Duckworth

Tredyffrin Township Board of Supervisors granted Conditional Use Approval on 6/22/15 subject to Conditions of Approval later modified by the Settlement Agreement dated 12/7/15 between Arcadia Tredyffrin LLC, its successors and assigns, and the Board of Supervisors of Tredyffrin Township (“Settlement Agreement”) as more specifically listed below:

Conditions of Approval

The following conditions are imposed and attached pursuant to Section 603 (c)(2) of the Municipalities Planning Code and Zoning Ordinance Section 208-117.B. Except where a different deadline is expressly noted, or unless the context clearly dictates otherwise, all conditions shall be satisfied prior to preliminary land development approval. For the purpose of this Decision and Order, and specifically the following conditions, the term "Applicant" shall include the Applicant's successors and assigns and interests with respect to the Property and the Application. In addition, subject to the terms and conditions contained in the Settlement Agreement, the Conditional Use Plan for the Residential Parcel is modified as set forth in the Settlement Plan, prepared by Pennoni Associates Inc., dated August 28, 2015 and last revised December 2, 2015, (the "Settlement Plan"). The Conditional Use Plan is incorporated into the Settlement Plan and all references to the Settlement Plan shall be deemed to incorporate the Conditional Use Plan as modified by the Settlement Plan. Any reference to the Conditional Use Approval shall mean as modified by the Settlement Agreement.

1. Land development approvals for the Residential Parcel and the Office Parcel may be pursued by the Applicant in separate phases ("residential phase" and "non-residential phase", respectively). The development of the Office Parcel shall comply only with those Conditions that are applicable to the development of the Office Parcel, and the development of the Residential Parcel shall likewise comply only with those Conditions that are applicable to development of the Residential Parcel, all as identified on Exhibit "B", attached to the Settlement Agreement, except those Conditions identified on Exhibit "B" as applicable to the development of both the Office Parcel and Residential Parcel. [Exhibit B listed below these Conditions of Approval.]

Accordingly, this application only satisfies the requirements of the Residential Parcel.

2. As required by Section 208-150 (11)(a), Conditional Use approval is granted for the general layout of roads, buildings, parking, and stormwater management facilities as shown on the Settlement Plan.. Future modifications to the Settlement Plan shall be governed by Paragraph 4 of the Settlement Agreement.

No comment required.

3. It is understood that the specific quantities of measurement referenced in the conditional use plans (for example, impervious coverage percentages, storm water facility volume capacities, loading and recharge rates, area of green roof, square footage of buildings,

and similar measurements) may change following the date of this decision as a result of either the land development process and/or third party approval and permitting processes. Future modifications to the Settlement Plan shall be governed by Paragraph 4 of the Settlement Agreement.

No comment required.

4. The stormwater management system for the Residential Parcel shall be designed and managed to include an additional 200 square feet per unit or more of impervious cover to account for future decks, patios, generators and other outside impervious cover for the residential units as required by 208-163 B(3) and the HOA declaration shall contain a provision limiting the combined area of such impervious items to 200 square feet per residential unit and shall permit Township enforcement of such restriction on terms reasonably satisfactory to the Township.

The stormwater management system has been designed to accommodate 200 square feet per residential unit of additional impervious surface area. Please see the Stormwater Management Report submitted concurrent with the plans.

The Declaration of the HOA will be submitted concurrent with the first resubmission of the preliminary/final plan. It will include the 200 square feet per residential unit restriction of additional impervious surface area.

5. All residential units shall be provided with stone, brick, cement board siding, stucco, or like materials. Neither vinyl, external insulation finishing systems (EIFS), nor aluminum siding shall be used.

These design limitations will be included with the Declaration of the HOA.

6. At least 50% of the residential units shall be provided with the option of either an elevator or a first floor master bedroom as required by 208-162 B(2) and 208-6 (definition of age-targeted housing).

All 26 of the carriage homes and 28 of the villa units (all the end units) shall have ground-floor master bedrooms. Compliance with this can be confirmed at the time of building permit.

7. At least twenty-six (26) of the residential units constructed on the Property (regardless of the total number of residential units constructed) shall be carriage homes.

There are 26 carriage homes on the plan.

8. All carriage homes shall have a first floor master bedroom having a dedicated full bathroom (i.e. shower/bath, toilet and sink).

Will comply. Compliance will be demonstrated at the time of building permit.

9. Each residential unit shall provide a minimum of 2.5 parking spaces as required by 208-103 C(2) and 181-50 B(4)(b). The .5 parking spaces per residential unit to be considered guest parking shall be provided within the on-street parking bump-outs shown on the plans.

Please refer to sheet 6 for information on compliance with parking requirements.

10. All interior roads within the Residential Parcel shall be owned and maintained by the Homeowners Association ("HOA") of Wayne Glen. All interior streets within the Office Parcel will be owned and maintained by the owner of the Office Parcel.

The Declaration of the HOA will reflect that the roads are to be private facilities owned by the HOA.

11. Indirect vehicular access shall be provided from the Residential Parcel to Swedesford Road. The location of such access is to be determined during the land development process for the Office Parcel and shall be constructed with the development of the Office Parcel, subject to PennDOT approval, if applicable.

This obligation will be satisfied with the development of the Office Parcel.

12. Owners and occupiers of the Residential Parcel shall be granted permanent rights of vehicular and pedestrian access across the Office Parcel to Swedesford Road as per Condition #11 above.

This obligation will be satisfied with the development of the Office Parcel. We intend for this provision to be included, as well, in cross easement documents between the Residential and Office parcels.

13. Emergency access roads shall be provided from the Residential Parcel to Walker Road and to Old Eagle School Road. These access roads shall be a minimum of 18 feet in width to accommodate two-way traffic and shall have gates or a similar mechanism to prevent non-emergency usage. Details shall be provided during land development.

The plans do not include the required 18-foot wide emergency access ways. This error was identified today and we'll make the correction in the resubmission. Our goal is to design the emergency access roads with an asphalt section to accommodate a walking trail surface and the remainder as grass pavers that will be relatively inconspicuous. The entire surface is designed to be mountable for emergency vehicles. Gate with chains will be located near Walker Road and Old Eagle School respectively. The details are found on sheet 31.

14. If Road A is constructed prior to occupancy of any residential unit, the emergency access road on the Residential Parcel to Old Eagle School Road may be eliminated.

We do not believe that the Road A connection to Bay Colony is feasible for the foreseeable future due to the recent removal of the interior driveway at Bay Colony. Emergency access roads have been provided.

15. A walkway as depicted on the Settlement Plan along the northern border of the Residential Parcel will traverse the top of the proposed dam along Walker Road, subject to DEP approval, and shall tie into the internal pedestrian network within the Residential Parcel to allow pedestrian access to Road A as will be determined during land development. All sidewalks within the public rights-of-way of Old Eagle School Road shall be constructed when the Residential Parcel is developed and completed prior to the issuance of the first use and occupancy permit for the Residential Parcel. All sidewalks within the public rights-of-way of Swedesford Road adjacent to the Office Parcel shall be provided when that parcel is developed.

The required walkways are depicted on the submitted plans.

16. The Applicant shall be responsible for the reasonable cost of repair of any physical damage to residential structures located on properties which are both (1) adjacent to and (2) downstream of the Property (including Tax Parcel No. 43-6E-33) existing as of the date of this Decision and Order, if and to the extent caused by stormwater water impacts directly resulting from the Applicant's construction both during construction of, and for a two year period after the date of final completion of, the stormwater facilities for the Residential Parcel, as measured from the date of the issuance of the use and occupancy permit for the last of the residential units approved for construction.

No comment required.

17. The width of all streets within the Residential Parcel (except for emergency access roads, which shall be governed by item 13 above) within the Property shall be at least 24 feet in width with the exception of Road E, as depicted on the Settlement Plan, which shall be 20 feet in width. The required SALDO waiver relating to street width is reflected on the Settlement Plan.

The streets comply with this requirement.

18. All driveways for the Residential Parcel shall be varied in length but shall be between 20 feet and 24 feet in length for the villas and at least 24 feet in length for the carriage homes. The driveway lengths shall be measured from the paved cartway edge of the intersecting street and extending inside the lot, as set forth in Section 181-46.J.(6) of the SALDO. Notwithstanding the foregoing, for driveways that intersect sidewalks, there shall be at least twenty (20) feet of driveway length measured from the interior boundary of the sidewalk and the residential structure.

The driveways have been designed to comply with this requirement.

19. The Township shall have the right to review and approve all documents for the HOA, including a recordable declaration of covenants and restrictions, the provisions of which shall include, at a minimum:

a. Provisions imposing upon the HOA the responsibility, subject to liens on the HOA property and the residents' properties, to comply with the post-construction O&M requirements and funding thereof; and

b. That at all unit purchasers and their successors execute a written acknowledgement of the foregoing responsibilities.

The Declaration of the HOA will be submitted concurrent with the resubmission of the preliminary/final plan and it will include this requirement.

20. Applicant shall engage a credentialed historical consultant which may use other methods (other than ground penetrating radar) of conducting its investigation, as may mutually be agreed upon by Arcadia and Valley Friends Meeting, up to 50 feet outside the perimeter of the cemetery for the purpose of investigating whether the remains of any persons are interred within the study area. In the event that human remains are found as a result of such investigation, they shall be disinterred and re-interred within the boundary of the cemetery on the grounds of the Valley Friends Meeting (if Valley Friends Meeting so permits) and Applicant shall secure any required permits from the Pennsylvania Historical and Museum Commission in connection with the foregoing.

An archeological field study was conducted by RGA Cultural Resource Consultants in the fall of 2016 and no evidence of remains were discovered. RGA Cultural Resource Consultants prepared a report dated December 20, 2016 that was previously submitted to Township staff on October 18, 2017. The Valley Friends Meeting has accepted the results of the study and the matter is considered resolved by the parties.

21. The Applicant shall be responsible for the reasonable cost of repair of any physical damage to residential structures located on properties which are both (1) adjacent to and (2) downstream of the Property existing as of the date of this Decision and Order (including Tax Parcel No. 43-6E-33), if and to the extent caused by stormwater water impacts directly resulting from the Applicant's construction both during construction of, and for a two year period after the date of final completion of, the stormwater facilities for the Office Parcel, as measured from the date of the issuance of a use and occupancy certificate for the Office Parcel.

No comment required.

22. The stormwater management system designed, built and maintained by the Applicant shall be maintained to achieve the following performance standards:

- The stormwater management system shall recharge the runoff generated during the 2 year/24 hour storm, as required by Code Section 208-161 A(3)(a).

- The stormwater management systems shall exceed rate control requirements of Section 174 by at least 50% for runoff generated, as required by Code Section 208-164 A.
- The stormwater management system shall provide a 20% reduction in pre-development flow rate for the 100 year design storm and a 5% reduction in predevelopment flow rate for the 2 year design storm at Walker Road based on methodology typical in the industry for modeling storm water, as required by 208-161 A(3)(c).
- All stormwater structures and facilities shall be designed to manage on-site the volume of stormwater generated during the 100 year storm to prevent the overtopping of Walker Road during such storm events.

The system complies with these criteria. Please refer to the Stormwater Management Report.

23. Prior to the issuance of the first unconditional use and occupancy permit for the Residential Parcel, the Applicant will replace the existing culvert at Walker Road with a culvert consistent with the design identified in the Trout Creek Study or as otherwise approved by the Township Engineer and PADEP.

The DEP approved dam permit D15-422 on June 28, 2017 including the design of the culvert under Walker Road. We intend to install the culvert prior to first unconditional unappealed and unappealable use and occupancy permit.

24. The Regional Detention Basin (shown on the Plan as the "Proposed Public Stormwater Improvement (Regional Detention Basin Storage Area)") shall be owned and maintained by the HOA of Wayne Glen.

The Declaration of the HOA will be submitted concurrent with the resubmission of the preliminary/final plan and it will include this requirement.

25. Additional details of annual basin operations and maintenance requirements and costs shall be in a modified operations and maintenance plan, which shall be submitted and approved by the Township Engineer during the land development approval process and incorporated into the HOA declaration.

The operations and maintenance plan for the dam was approved by the DEP. The operations and maintenance plan for the basins (the "O&M") will be submitted with the resubmission of the preliminary/final plan. The HOA Declaration will make reference to the recorded O&M.

26. The Property shall be served by public sanitary sewers. No on-site sanitary sewage systems shall be permitted.

The plans comply with this requirement.

27. An access easement for vehicular access and maintenance to the manholes and trunk line located in the existing sewer easement shall be provided to the satisfaction of the Township Engineer to facilitate routine maintenance and repair by the Township of the existing sanitary sewer facilities owned by the Township.

A new access easement is provided to the sewer easement from Road D.

28. During land development, grading shall be revised such that:
- No retaining wall is located closer than 8 feet to any dwelling unit unless approved by the Township Engineer.
 - All grades within 8 feet of any dwelling unit do not exceed 20%.

Access for equipment necessary for operations and maintenance shall be provided without further grading required, which access shall be shown on the Subdivision and Land Development Plan for the Residential Parcel.

The grading was revised to keep retaining walls and grades more than 20% more than 8 feet from dwellings. Access to the basins is shown on sheet 44.

29. Applicant shall repave Walker Road from its intersection with Old Eagle School Road and continuing 975 linear feet in a westward direction along the Property's boundary according to specifications reviewed and approved by the Township Engineer by the sooner to occur of: (1) the first annual anniversary of the conclusion of construction activities of the Residential Parcel, or (2) the fifth annual anniversary following the commencement of construction of the Residential Parcel. The Applicant shall financially secure the cost of this road improvement at the time of recording of the approved final plan for the first phase of development.

This requirement is not applicable at this time.

30. The developer of the Office Parcel shall repave Old Eagle School Road between its intersection with Swedesford Road to its intersection with Walker Road according to specifications reviewed and approved by the Township Engineer by the sooner to occur of: (1) the first annual anniversary of the conclusion of construction activities of the Office Parcel, or (2) the fifth annual anniversary following the commencement of construction of the Office Parcel. The Applicant shall financially secure the cost of this road improvement at the time of recording of the approved final plan for the first phase of development.

This requirement is not applicable at this time.

31. The Applicant shall obtain approval from the Planning Commission for the land development of the Property in the location and in the manner generally depicted in the Settlement Plan, consistent with this Decision and Order as modified by the Settlement Agreement, provided however that the Settlement Plan is preliminary in nature and may

change as necessary to reflect the engineering of the project and to comply with this Decision and Order as modified by the Settlement Agreement, and the requirements of the Township Subdivision and Land Development Ordinance and other governmental approvals, as mutually agreed by the Applicant and the Planning Commission, subject to Paragraph 4 of the Settlement Agreement concerning future modifications to the Settlement Plan.

No comment required.

32. The Applicant shall execute and provide to the Township a recordable, notarized copy of a memorandum containing a metes and bounds description of the Property and stipulating the terms and conditions of this approval and shall consent to the recording by the Township in the office of the Recorder of Deeds of Chester County within thirty (30) days following the expiration of the appeal period, or, if Applicant appeals this Decision and Order, within 30 days following a resolution of the appeal.

This has been completed. The Township Solicitor is holding the memorandum of conditional use approval in escrow as per correspondence from our attorney, Denise R. Yarnoff, dated April 28, 2016.

Stormwater, Traffic, Sanitary Sewer and Geotechnical Conditions

1. Required Permits for the Residential Parcel and the Office Parcel may be pursued separately.

a. Third party permits (PADEP, CCCD, PADOT, etc.) and Township permits shall be obtained prior to the recording of a Final Subdivision and Land Development Plan for which such permits are required:

- i. NPDES Permit (PADEP);
 - ii. Chapter 105/106, Dam Safety permits, as related to the proposed stream crossing, stream and floodplain regrading, restoration, and stabilization, floodplain and proposed dam structure (PADEP);
 - iii. Highway Occupancy Permit (PADOT), if necessary; and
 - iv. Sanitary Sewer Planning Approval (PADEP).
- b. Township Permits
- i. Stormwater and Grading permit
 - ii. Road Opening Permit
 - iii. Sewer Connection Permit

- i. The NPDES will be filed on or about the time of the initial resubmission of the preliminary/final plan.
 - ii. The Dam Safety permit has been received and shared with the Township.
 - iii. No HOP is required for the residential project.
 - iv. A sewage facilities planning module exemption has been received and has been shared with the Township.
- b. Township permits will be applied for after approval of the Preliminary / Final Land Development Plan.

2. Township Sanitary Sewer Trunk Line for the Residential Parcel

a. Access easements shall be provided to the Township's sanitary trunk line on both the eastern and western sides of the stream channel. To ensure adequate access for maintenance activities, as well as during flooding conditions access points shall not be located on the dam embankment. Access plans shall be subject to that approval of the Township Engineer prior to Final Land Development Plan approval.

Access easements to the sanitary line have been provided on both the western and eastern sides of the stream channel.

b. Access points to internal roadways shall be free of parked cars or other obstructions so as to not limit or restrict access to the Township's Trout Run Trunk Sewer line, Therefore, there shall be no parking spaces, trees, fire hydrants, etc, blocking these access points, and that should be clearly identified on the plans.

The access easements are clear of trees, parked cars and other obstacles.

c. The access easement shall be shown on the Conditional Use and Land Development Plans and the location and grades, etc. approved by the Township Engineer and Director of Public Works.

Access easements to the sanitary line have been provided on both the western and eastern sides of the stream channel.

d. The Applicant shall perform a televisual inspection of the existing sanitary sewer through the project and adjacent roadways, especially within the regional basin, stormwater facilities, and internal roadways, to determine its condition. Should the Township Engineer determine the condition of the sanitary sewer system, including manholes, is inadequate with regard to structural integrity, alignment, and/or water tightness, and/or impacted by the proposed construction activities, the sanitary sewer shall be repaired to the satisfaction of the Township Engineer or replaced, if necessary. Repairs may include but are not limited to replacement, pipe lining, grouting, manhole lining, exterior manhole sealing or other repairs as approved by the Township Engineer.

Pipe Data View Services was engaged to perform a video inspection of the existing sanitary sewer main. The inspection was performed on September 13, 2016 and the results have been shared with the Township staff via FTP server. The results of the inspection show that the pipe is in very good condition with no deficiencies. A meeting was held with Township staff on November 30 on this matter and there is ongoing discussion about potential upgrades to the existing pipe. Arcadia would be pleased to cooperate with these measures and to oversee the installation of such work, provided that this can be done at no additional third-party cost to Arcadia.

3. Traffic [This Condition 3 shall not apply to the Residential Parcel.]

a. Prior to Final Land Development approval for the Office Parcel, the Applicant(s) for the Office Parcel shall comply with the applicable traffic comments in the Orth-Rodgers review letter, dated April 8, 2014, to the satisfaction of the Planning Commission.

This is not applicable to the Residential Parcel.

b. As part of the Subdivision and Land Development Plan for the Office Parcel, the Applicant(s) for the Office Parcel shall update the traffic study and/or traffic signal timing modifications at the intersection of Old Eagle School Rd and Swedesford Road, as deemed necessary by the Township Engineer.

This is not applicable to the Residential Parcel.

c. The Applicant for the Office Parcel shall secure all PADOT HOP and Traffic Signal Permits, as necessary, prior to the recording of the approved Land Development Plan for the Office Parcel. Copies of all PADOT permits shall be provided to the Township, as well as noted on the Final Plans to be recorded.

This is not applicable to the Residential Parcel.

4. Stormwater Management

a. The Applicant shall provide the Township with copies of all stormwater permits and approvals from third party agencies, such as Chester County Conservation District, PA Department of Environmental Protection, ACOE, etc. prior to the recording of the approved Land Development Plan. All permit data shall be noted on the Final Land Development Plans that are to be recorded in Chester County.

Copies of all permits were supplied to the Township at a meeting on October 18, 2017.

b. For each of the Residential and Office Parcels, the on-site stormwater management features shall maintain positive storage (storage below the lowest outlet) adequate to store the entire runoff volume from the two-year storm in accordance with 208-161.A(3)a for that Parcel.

The requirement has been satisfied. Please refer to the Stormwater Management Report.

c. For the Property the Plan currently shows that total storage volume is 157,891 CF(3.62 Ac-Ft).

- i. For POI#1 (Townhomes) the total volume is 40,985 CF (0.94 Ac-Ft).
- ii. For POI#2 (Carriage Homes) the total volume is 56,750 CF (1.30 Ac-Ft).
- iii. For POI#3 (Professional) the total volume is 60,156 CF (1.38 Ac-Ft).

The requirement has been satisfied. Please refer to the Stormwater Management Report.

d. All proposed stormwater management BMPs (Bioretention/ Infiltration Basins, Roadway Porous Pavement/ Underground Infiltration Beds, etc.) used to provide the two-year storage volume shall be equipped with a monitoring well located at an elevation equal to the bottom of the provided two-year storage. The monitoring well on the Residential Parcel shall be accessible by the HOA, the HOA professional engineer, Township, and PADEP to ensure that the storage is empty due to infiltration within a 72 hour period following a storm event. The monitoring well on the Office Parcel shall be accessible by the owner/applicant, the owner/applicant, professional engineer, Township and PADEP to ensure that that storage is empty due to infiltration within a 72 hour period following a storm event.

i. If it is determined that the systems are not able to provide adequate drawdown in 72 hours following a storm event, additional infiltration BMPs shall be provided on-site within the same POI to provide an amount of storage equal to that of the system in question. If needed, these additional BMPs shall not impact the proposed peak rate control reduction requirements of regional basin in accordance with 208-161.A(3)c, and be designed and constructed to not impact the approved zoning calculations. These additional BMPs shall also adhere to the Township's loading ratio criteria.

Monitoring wells have been provided. Please refer to the utility plans to see location.

e. The on-site stormwater management features shall maintain peak flow reductions at each POI equal to 50% of the baseline peak rate reductions of Chapter 174 in accordance with 208-164.

The requirement has been satisfied. Please refer to the Stormwater Management Report.

f. All portions of the Property (exclusive of frontage sidewalks and entrance driveways) which bypass the proposed stormwater management systems shall be maintained in a meadow condition.

All bypass areas are to be planted with a meadow mix and maintained in a meadow condition. This maintenance requirement will be part of the forthcoming O&M.

g. For the Residential Parcel, all downspouts shall be directed to pervious lawn areas or stormwater basin areas and not be directly connected to the pervious pavement/underground bed proposed BMPs. Surface grading should be maintained to ensure that downspout flow will reach the intended BMPs without the potential for bypass.

All homes have been designed with downspouts that discharge to lawn areas. This requirement will be included in the O&M.

h. A detailed planting plan shall be prepared prior to final land development approval that details the soil preparation, seeding methods, seeding mix, and planting plan for all stormwater management features, bypass meadow areas and the regional basin.

Plans prepared by Glackin Thomas Panzak landscape architects are included with this submission and satisfy this requirement.

i. All off site areas which are contributory to the site shall be conveyed to the stream in a manner that creates no impacts (flooding, erosion or other impacts) to adjacent properties.

Bypass swales and conveyance pipes have been designed to convey the runoff from offsite areas without creating any flooding or erosion impacts.

j. The Residential Parcel shall be equipped with monitoring equipment, especially for the regional basin facility. The details of the monitoring plan shall be submitted to the Township Engineer for review and approval prior to Final Land Development Plan approval.

The DEP has already approved an operations and maintenance plan for the dam. The Township was previously given access to this and all other dam documents via the Pennoni FTP server. Please let us know if there are any issues accessing this. The O&M for the remaining stormwater facilities will be submitted upon the resubmission of the preliminary/final plan.

k. The Applicant shall prepare an executive summary of the site's stormwater management compliance with reference to the Township Stormwater Ordinance, TCO Ordinance, Trout Creek Study, and current state standards.

The Executive Summary of the Stormwater Management Report is intended to fulfill this requirement.

l. Given the complexity of the proposed Wayne Glen Stormwater Management and Site Land Development Plan, the Applicant shall agree to develop a post-construction stormwater management O&M financial plan, and demonstrate how they and/or the HOA, or other entities will provide for the short and long term operation and maintenance of all the proposed CU stormwater management facilities on the proposed plans. The plan should clearly demonstrate that there will be adequate staff, professional engineering support services, and funding mechanisms in place for both short-term and long-term, routine, as well as all emergency inspection, maintenance and repairs to ensure the safe and efficient and complaint operations of all the proposed site stormwater management facilities. Given that the site is underlain by Karst geology upfront funding should be put aside by the HOA, and future property/ home owners for both sinkhole remediation, but even more importantly stormwater facility operation and maintenance (O&M), and further collected by the HOA, and future property/ home owners in a quarterly or yearly basis in a manner which identifies

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it can only be used for stormwater O&M (inspections, routine repair/ maintenance activities, and/or emergency repair/maintenance/replacement, etc.).

The financial plan for operations and maintenance will be included with the O&M to be submitted at the time of resubmission of the preliminary/final plan.

m. During the construction process the Applicant shall have a full-time professional engineer conduct inspections and certify that the regional basin, dam, and all other site stormwater management facilities are constructed in accordance with the approved plan, Township, PADEP, and CCCD permit requirements. For inspection purposes, the Township should be kept informed of the progress of the construction process and be made aware of all critical steps during the construction process. A final certification shall be provided by the Applicant's professional engineer at the completion of each and all phases of construction.

No action required.

n. A detailed Erosion and Sediment Control Plan and a Construction Sequencing Plan shall be provided prior to the issuance of a Township Stormwater and Grading permit for each of the Residential Parcel and the Office Parcel, and each shall also demonstrate compliance with PADEP and CCCD 102/ NPDES Erosion & Sediment Control requirements.

Our engineers have only provided schematic E&S plans at this time. The detailed E&S plans and sequence of construction will be supplied at the time of resubmission of the preliminary and final plans.

i. All proposed stormwater management features shall maintain a minimum two foot thick layer of native soil above the proposed infiltration bed bottom elevation during construction.

This will be covered in forthcoming E&S plans and details.

ii. All Bioretention, Infiltration Basins, Roadway Underground Infiltration Systems should not be brought to grade until the drainage area to the basin, bed or systems are fully stabilized. In cases where any BMPs cannot meet this requirement the Applicant(s) must submit a request and plan justifying what measures are proposed in the construction sequence, testing, construction methods, oversight, over construction/removal, etc., to preserve the permeability of the underlying soils, prohibit soil clogging, and ensure the design compliance is met. This plan must be approved by the Township Engineer prior to Final Land Development approval, as well as by the PADEP/ CCCD.

This will be covered in forthcoming E&S plans and details.

iii. The proposed infiltration BMP areas shall be clearly field demarcated to prevent any potential compaction due to construction activities.

This will be covered in forthcoming E&S plans and details.

iv. Confirmatory infiltration testing in accordance with the Ch. 174 Township Stormwater Ordinance and PA BMP Manual requirements shall be conducted at the proposed bottom elevation of all stormwater volume reduction/infiltration systems. Documentation of this testing shall be provided to the Township Engineer prior to construction of those stormwater facilities.

This will be covered in forthcoming E&S plans and details.

v. If infiltration testing does not meet the original design values, the Applicant shall redesign the impacted stormwater features in order to ensure drawdown and provide on-site compensatory areas, and/or provide a compensatory reduction of site impervious coverage.

This will be covered in forthcoming E&S plans and details.

vi. In the event that the site plan for the Office Parcel is revised from that which was presented in Applicant's testimony as part of Exhibit A-1, the Applicant(s) and/or future Applicants will provide at a minimum the required total 2-yr volume control for the Commercial POI#3 regardless of whether or not the site is developed under the Trout Creek Overlay Ordinance or under the by-right zoning, to ensure the level of stormwater management benefits are maximized in the Trout Creek Watershed.

This is not applicable to the Residential Parcel.

viii. The Applicant shall provide an engineering stormwater management executive summary, as per condition 4(k) above, which details and documents the measure of benefits, such as reduction in flood water levels at the Point of Interest (POI) at Walker Rd, as well of those benefits downstream at the Glenhardie Road Bridge. Demonstration of benefits should summarize the proposed reductions in flood elevations, roadway overtopping, peak rate and volume for various storm events, velocity, etc. and that there will be no immediate impacts to the downstream adjoining properties.

The Executive Summary of the Stormwater Management Report is intended to fulfill this requirement.

o. Applicant will install improvements to dissipate the energy of the water flowing under Walker Road and out of the culvert to mitigate the erosive effect of such

outflows on the existing stream bank. As part of Applicant's post-construction operations and maintenance requirements, Applicant will be responsible for demonstrating the effectiveness of the energy dissipation improvements, to the satisfaction of the Township's Engineer, for all regulated storms from the 1-year through 100-year storm events.

Energy dissipaters are shown in the Walker Road right of way downstream of the culvert. The property owner immediately downstream of the culvert has not been cooperative with our efforts to secure easements.

p. Applicant will design and implement stream stabilization measures from the outflow of the Walker Road culvert to the Glenhardie Road culvert to mitigate the erosive effects of the outflows from the new culvert to be installed by Applicant under Walker Road. The stream stabilization measures shall be proposed by Applicant and subject to review and approval by the Township Engineer (and any consulting engineer engaged by the Township).

Energy dissipaters are shown in the Walker Road right of way downstream of the culvert. The property owner immediately downstream of the culvert has not been cooperative with our efforts to secure easements.

5. Operations and Maintenance

a. A detailed Operation and Maintenance Plan shall be prepared for review by the Township, clearly detailing the routine, yearly, and emergency maintenance inspection, maintenance, and repairs, and reporting to the Township, prior to a Final Land Development approval.

The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

b. The O&M Plan shall include a plan showing the locations of each basin along with dedicated access routes which demonstrate full access to the perimeter of each proposed SWM facility. Access routes for each facility shall not be encumbered by adjacent residential units or landscaping and should have a min. 10-ft min width with slopes less than or equal to 5:1.

The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

c. The HOA shall be responsible for the operation and maintenance all stormwater facilities within the town home and carriage home (POT #1 and #2) portions of the site on the Residential Parcel.

This will be included in the HOA Declaration and O&M plan.

d. The owners and operators of the Office Parcel shall be responsible for the operation and maintenance of all stormwater facilities within the Office Parcel.

This is not applicable to the Residential Parcel.

e. All property owners shall receive a simplified educational packet detailing the property's stormwater management features, which packet shall be subject to review and approval of the Township Engineer.

Will comply. The O&M plan will include the simplified educational packet and be provided at the time of resubmission of the preliminary and final plan.

f. No sand or cinders shall be used for winter road treatment and no landscaping materials (i.e., soils, sands, mulch, etc.) shall be stockpiled on the proposed roadways.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

g. During the construction process, the Applicant shall have a full-time professional engineer conduct an inspection of all of the stormwater management facilities on the Property, specifically including the regional basin and dam following any rainfall events greater than one inch. Any observed issues shall be immediately reported to the PADEP, Chester County Conservation District, and the Township Engineer. Inspection reports shall be provided within one week of the rainfall event.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

h. For the Residential Parcel, the HOA shall ensure that the regional basin be inspected on a bi-monthly basis during the initial year of operation. Following that, the HOA shall hire a professional engineer to inspect the dam in compliance with PADEP inspection timeline requirements. The regional basin shall also be inspected after every storm with more than 2.7 inches of rainfall over a 24 hour period. Copies of these inspection reports shall be provided to the Township Engineer, within 14-days of the inspections.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

i. Annual inspection reports completed by a Professional Engineer shall be provided to the Township Engineer on April 1st of each calendar year. The reports shall document any major and all routine inspections, maintenance, and repairs conducted on the regional basin and all private stormwater facilities. The report shall include a list of any outstanding maintenance items, as well as a detailed timeline for completion of any outstanding items.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

j. In addition, to the annual inspection reports the HOA shall maintain up to date contact list with the Township with the responsible parties for operation and maintenance, and provide an updated list of contacts, with email, cell phone, etc. on April 1st of each calendar year.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

k. For the Residential Parcel, the HOA and/or owners of the property(s) shall provide the Township copies of all Annual PADEP Dam Safety Inspection Reports, and certification by a Professional Engineer that all required maintenance (routine, non-routine, and emergency, etc.) has been adequately performed to ensure the safe operation of the regional basin and dam impoundment structures. The HOA will also be responsible for any, all inspections of the culverts, embankments, dam on both the HOA and Township property(s), since they will be integral to the facility and a requirement of PADEP.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

6. Geotechnical

a. Due to the unique combination of high density development and known karst conditions (i.e., sinkholes), this site has a higher than average propensity for the formation of sinkholes. As a result, there shall be financial security allocated for post-construction stormwater management operations and maintenance and possible sinkhole remediation shall be funded via an association reserve account contribution per dwelling unit in the Residential Parcel of \$1,000 per unit at the time of settlement of each unit with assessments in the amount of \$400 per year per unit, which shall commence for each unit in the initial year of conveyance of each unit. Such funds shall be set aside in a separate escrow account and accumulate until such time that the account balance is sufficient as determined by a reserve study to be conducted by a professional engineer with expertise in such studies and utilizing typical methodology for inflation indexing via the consumer price index, which study shall be presented to the Township for its review and approval. This shall not be construed as a limit on Arcadia or the HOA's ability to replace the reserve account with an insurance policy in an equal amount at some time in the future containing terms acceptable to the Township in its reasonable discretion.

The required fees will be included in the HOA Declaration.

b. The Applicant shall provide the Township documentation of all sinkholes and solution features that develop, including location and dimensions, on the Wayne Glen site during construction on the construction as-built plan(s). All such sinkholes on the Property (that are not in infiltration areas, which are covered in 6(1) below) shall be remediated to the satisfaction of the Township Engineer. The information provided

pursuant this conditions shall include details and documentation of all remedial actions taken for each feature.

Will comply during construction.

c. Special foundation considerations, where merited by sub-surface conditions, shall be indicated on the plans and applications submitted to the Township for all future building and zoning permits. Examples of considerations include grouting, deep dynamic compaction, grade beam or mat design of foundations and, if necessary, piles to support grade beam structural foundations.

These details will be included, as necessary, in builder permit applications.

d. The Operations and Maintenance (O&M) manual should include sections regarding industry accepted best management practices within carbonate geology, and industry accepted protocol for addressing subsidence activity that becomes evident during the life of the project. Inclusion in the O&M manual would be a listing of allowed and prohibited karst remediation techniques (i.e., remediation methods that would impair the function of proposed stormwater infiltration facilities and underground stone beds in the roads). This document shall also include a notification list when a sinkhole occurs that includes an on-call geotechnical engineer under contract with the HOA and notification to the PADEP and Township Engineer.

Will comply. The O&M plan will be provided at the time of resubmission of the preliminary and final plan.

e. For units within the Residential Parcel, a statement shall be included in the property deed, and HOA documents stating that that homes and development are located on a carbonate formation. The documentation should also include the industry accepted and best management practices for managing the risks associated with development in active karst areas.

Will comply. Disclosures will be included in the deed and HOA documents about carbonate formations.

f. All stormwater pipe and connections must be provided with watertight gaskets.

This is shown on sheet 2 under general utility notes (#18).

g. Backfill of utility conduit and pipe (including, but not limited to sewer and stormwater) shall not use coarse bedding material, but rather use native material.

Will comply during construction.

h. The Township shall have unrestricted access during construction for inspection purposes. The Township shall be notified prior to the completion of any Karst-related remedial efforts.

Will comply during construction.

i. In the case that additional sinkholes or solution features are uncovered within the limits of infiltration facilities during construction, the Applicant(s) shall revise their stormwater management plan(s) to remediate the discovered feature(s) in method which maintains the BMP's proposed stormwater volume, rate, and water quality benefits in the approved plans. These plan(s) shall be submitted to and approved by the Township Engineer. In cases where these feature(s) in BMPs cannot be remediated in a method that preserves the quantified stormwater benefits the Applicant shall relocate the affected stormwater BMP, propose alternative solutions acceptable to the Township Engineer, and/or provide a compensatory reduction of impervious surface to compensate for the loss of any required infiltration volumes.

Will comply during construction.

Additional Conditions of Approval per the Settlement Agreement

2.D. Any condition requiring the undertaking of any construction shall not be required to be satisfied prior to Preliminary Subdivision and Land Development approval and shall be satisfied and completed during the construction of the applicable Phase. Further, Arcadia shall not be required to perform additional karst analysis in connection with the Preliminary or Final Subdivision and Land Development Plans for the Residential Parcel or Office Parcel, provided, however, that this provision shall have no effect on Arcadia's continuing obligations expressly set forth in the Decision as amended by the Settlement Agreement, specifically including, without limitation, Conditions 6(b) and 6(i) of the Decision.

No comment required.

2. E. The provisions of Paragraph 2 of the Settlement Agreement shall supersede any conflicting Conditions of Approval. Further, to the extent that there is a conflict between the Settlement Agreement (which includes the Settlement Plan) and the Decision, the Settlement Agreement shall control the development of the Property. Notwithstanding the foregoing, to the extent not modified, either explicitly or impliedly, by the terms of the Settlement Agreement, the Conditional Use Decision shall remain in full force and effect.

No comment required.

3. The Residential Parcel and the Office Parcel may be constructed or installed in separate phases (each a "Phase"), over time, as determined by Arcadia.

No comment required.

4. The Parties acknowledge that the Settlement Plan is preliminary and not yet fully engineered. If, following execution of the Settlement Agreement, certain modifications to the Settlement Plan may be necessary to facilitate engineering, environmental, design modification as well as modifications required by county, state and federal regulatory agencies in conjunction with review of applicable permit applications ("Modifications"), said Modifications will not be construed as being inconsistent with the Settlement Plan or the Settlement Agreement and will be permitted absent amendment of the Conditional Use Decision or the Settlement Agreement, provided the Modifications do not (i) increase the density proposed for the Residential Parcel, (ii) decrease the road widths or the driveway lengths for the Residential Parcel, (iii) increase the impervious coverage for the Residential Parcel; (iv) increase the impervious coverage for the Office Parcel; (v) violate any terms of the Conditional Use Decision, as modified by the Settlement Agreement; (vi) violate the Zoning Ordinance (except to the extent that relief therefrom is expressly provided in the Settlement Agreement); (vii) violate the SALDO (except to the extent that relief therefrom is expressly provided in the Settlement Agreement); (viii) modify the layout set forth on the Settlement Plan in a material manner, as determined by the Township in its reasonable discretion; or (ix) reduce the stormwater management benefits of the development project, all as shown on the Settlement Plan. If the proposed Modifications satisfy the foregoing requirements, such Modifications shall not result in the need to seek new conditional use approval, provided, however, that if Arcadia and the Township cannot agree as to whether proposed Modifications satisfy the foregoing requirements, such dispute shall be governed by Paragraph 6 of the Settlement Agreement. The Modifications shall be reflected on Arcadia's Subdivision and Land Development Plan for the phase(s) of construction of the Property in which such change(s) will occur.

No comment required.