

APPENDIX A

PROJECT HISTORY

The following is a summary of past events which attempts to capture how this application has developed over time. These are provided for reference purposes only. It is noted that the referenced timeline may not include all events in the history of the project. The history of this project is as follows:

- October 2012 – Trout Creek Stormwater Overlay Ordinance adopted by Board of Supervisors
- January 4, 2013 – Wayne Glen Sketch Plan Application was submitted
- January 17, 2013 – Presentation of sketch Plan to Planning Commission
- April 22, 2013 – Wayne Glen Conditional Use Application was submitted / Dam Permit Boundary Plans created
- May 16, 2013 – Presentation of CU plans to Planning Commission
- May 29, 2013 – Karst Geology Plans created
- June 5, 2013 – Orth-Rodgers circulation site plan review
- June 6, 2013 – Presentation to neighborhood groups
- June 14, 2013 – Orth-Rodgers traffic impact assessment review
- July 11, 2013 – Spots, Stevens McCoy (SSM) by-right plan review letter
- July 15, 2013 – Princeton Hydro stormwater management and geotechnical review #1
- July 18, 2013 - Spots, Stevens McCoy (SSM) zoning and SALDO review letter
- July 18, 2013 – Planning Commission meeting
- October 4, 2013 – Sinkhole Remediation Plan created
- August 1, 2013 – Planning Commission sub-committee workshop
- August 2, 2013 – Carbonate Geology Study created
- August 8, 2013 - Amendments and supplements to plans and stormwater reports submitted
- August 15, 2013 – Planning Commission meeting
- August 22, 2013 – Princeton Hydro independent stormwater management review
- August 22, 2013 – Princeton Hydro independent carbonate geology study review
- August 29, 2013 – Planning Commission special meeting
- October 9, 2013 – Existing vs Proposed Grade Plans created
- October 10, 2013 – Princeton Hydro stormwater “Additional Loading Ratio Comments”
- October 10, 2013 – Princeton Hydro “Draft ‘Wayne Glen’: Single Family Twin Redesign Plan” review letter
- October 17, 2013 – Presentation to Planning Commission regarding re-design of site plan
- November 25, 2013 – Lot line change application submitted
- December 2, 2013 – Professional Zoning District (P) is officially repealed by Tredyffrin Township
- December 6, 2013 – Spots, Stevens McCoy (SSM) Lot Line Change Plan review letter
- December 16, 2013 – Dam Breach Report created / Wayne Glen Dam O&M Plan created / Overall Karst Finding Plans created
- December 18, 2013 – Modified Conditional Use Application submitted - Modified site plan for geology and to address Planning Commission comments
- December 19, 2013 – Planning Commission recommends approval of Lot Line Change
- January 6, 2014 – Board of Supervisors approved Lot Line Change
- January 8, 2014 - Spots, Stevens McCoy (SSM) zoning and SALDO review letter #2
- January 21, 2014 – Modified Traffic Impact Assessment was submitted
- February 18, 2013 – Princeton Hydro independent stormwater management review
- February 18, 2013 – Princeton Hydro independent carbonate geology study review
- February 20, 2014 – Planning Commission meeting

- March 4, 2014 – Orth-Rodgers traffic impact assessment review #2
- March 10, 2014 – McCormick Taylor By-right plan review letter
- March 11, 2014 – Planning Commission workshop
- March 18, 2014 – Princeton Hydro summary of stormwater review to date memo
- March 20, 2014 – McCormick Taylor By-right plan review letter #2
- March 20, 2014 – Planning Commission meeting
- April 8, 2014 – Orth-Rodgers traffic impact assessment key comments summary
- April 10, 2014 – Wayne Glen Emergency Action Plan Surveillance, Warning, and Evacuation Procedures created
- April 18, 2014 – Princeton Hydro Stormwater management and carbonate geology study review letter
- April 21, 2014 – Updated plans and reports submitted to consolidate all revisions made in 2014 to address Township and reviewer comments
- April 28, 2014 – Planning Commission meeting
- June 12, 2014 – submitted modified site plan for discussion at June PC meeting
- June 19, 2014 – Planning Commission meeting – update on revised site plan
- July 15, 2014 – Karst Feature Setback Plans created
- July 16, 2014 – Updated plans and reports submitted with modified site plan / Carbonate Geology Study updated / Karst Geology Plans updated / Existing vs Proposed Grade Plans created / Karst Feature Setback Plans updated / Overall Karst Finding Plans updated / Sinkhole Remediation Plan updated
- August 12, 2014 – Princeton Hydro Stormwater management and carbonate geology study review letter
- August 13, 2014 – McCormick Taylor Zoning and SALDO review letter
- August 18, 2014 – Regional Basin Inundation Mapping created
- August 21, 2014 – Planning Commission meeting – recommendation of approval to Board of Supervisors
- December 9, 2014 – Notice of Public Hearing was conspicuously placed on the Property & Notice of hearing was mailed to all parties
- December, 11, 2014 – Notice of Public Hearing beginning January 5, 2015 was in the Daily Local Newspaper
- December 18, 2014 – Notice of Public Hearing beginning January 5, 2015 was in the Daily Local Newspaper
- January 5, 2015 – Public Hearing commenced
- January 16, 2015 – Wayne Glen Regional Basin and Stream Restoration Construction Plans created / Erosion & Sedimentation Pollution Control Narrative for Wayne Glen Regional Detention Basin created
- February 9, 2015 – Public Hearing continued
- February 23, 2015 – Public Hearing continued
- March 9, 2015 – Public Hearing continued
- March 16, 2015 – Public Hearing continued
- April 13, 2015 – Public Hearing continued
- May 11, 2015 – Public Hearing continued / Record closed.
- June 22, 2015 – Board of Supervisors authorize Conditional Use Approval Decision and Order for Application C-01-2013
- July 22, 2015 – Applicant appeals decision order through the Chester County Court of Common pleas under docket 2015-06599-ZB
- December 2, 2015 – Revised Settlement Plan dated August 28, 2015, last revised on this day, referred to as Exhibit “A”, issued
- December 7, 2015 – Settlement Agreement executed
- September 14, 2016 – Dam Breach Report revised / Erosion & Sedimentation Pollution Control Narrative for Wayne Glen Regional Detention Basin updated / Geotechnical Engineering Report for Dam and Bridge Evaluation created
- November 4, 2016 – Chester County Conservation District (CCCD) approves dam erosion control plans
- January 19, 2017 – Geotechnical Engineering Report for Dam and Bridge Evaluation updated



- January 30, 2017 – Wayne Glen Regional Basin and Stream Restoration Construction Plans updated / Dam Permit Boundary Plans updated
- March 2, 2017 – Department of Army / U.S. Army Corps of Engineers (USACE) issue letter of approval for dam permit
- March 8, 2017 – Wayne Glen Emergency Action Plan Surveillance, Warning, and Evacuation Procedures updated
- March 16, 2017 – Wayne Glen Dam O&M Plan updated
- March 28, 2017 – USACE issue no effect on historic area letter
- April 5, 2017 – Pennsylvania State Historic Preservation Office / USACE issue no effect on historic area letter
- April 17, 2017 – Private sewer laterals will not be accepted for dedication letter issued by Tredyffrin Township Board of Supervisors
- June 23, 2017 – PA DEP approves Dam Permit (15-422)
- June 28, 2017 – Wayne Glen Permit Approval notification from PA DEP received
- July 20, 2017 – Act 537 Exemption Determination letter issued by the PA DEP
- August 22, 2017 – State Water Obstruction and Encroachment Permit (E-15-855) Approved and issued by PA DEP
- October 25, 2017 – Wayne Glen Pre-Application meeting with Township Staff
- December 1, 2017 – Wayne Glen Preliminary / Final Subdivision and Land Development Plans created / Landscape Plans created / Project Narrative created / Post-Construction Stormwater Management Report and plans created
- December 4, 2017 – Tredyffrin Township Preliminary / Final Subdivision and Land Development Application prepared
- December 6, 2017 – Applicant officially submits Preliminary / Final Subdivision and Land Development Package / Compliance Narrative letter provided
- December 19, 2017 – Meeting called by Applicant to discuss compliance with the Decision Order and Settlement Agreement.
- December 29, 2017 – Notification to Surrounding / Affected Property Owners is issued to affected residents.

CONDITIONAL USE APPROVAL

On June 22, 2015, the applicant received Conditional Use Approval. The approval was for plans which proposed 108 residential units on the Residential Parcel and a 240,000 sq ft office building on the Professional (P) [now zoned Office (O)] parcel. This Decision Order identified 32 General Conditions and 6 Stormwater, Traffic, Sanitary Sewer, and Geotechnical Conditions (with multiple parts) of Approval under Section IV of the Approval. The conditions were later modified within the Settlement Agreement dated December 7, 2015.

SETTLEMENT AGREEMENT

The applicant issued an appeal to the Conditional Use Decision Order and proposed a revised Settlement Plan dated August 8, 2015, last revised December 2, 2015. The Settlement Agreement was executed between the Township and the Applicant on December 7, 2015 and proposed to modifications to the proposed improvements and original conditions of approval within the Decision Order.

The revised improvements proposed 91 residential units on the Residential Parcel and a 240,000 sq ft office building on the Professional (P) [now zoned Office (O)] parcel. The applicant revised 18 of the Original Conditions and imposed an additional 6 governing Conditions (see provided tabular summary).The Township agreed to the Settlement Agreement to forgo the time, associated costs, and public expense of future litigation.

The Conditions and their Statuses have been provided for reference purposes within this review on the following pages in the form of a table.

The referenced statuses are indicated as references but do not grantee the conditions have been satisfied. The Settlement Agreement condition statuses are subject to the Township and the Township Solicitor’s review.

TABLE LEGEND

Bold Status Condition is not satisfied / remains outstanding.

Italics Status – Condition resolved / requires no further action.

GREEN – Original Conditions of Approval within the Township’s Decision Order dated June 22, 2015.

BLUE – Modified Condition or New Condition based on the Settlement Agreement dated December 7, 2015.

Abbreviations:

Cond. # = Condition Number

Res. = Applies to Residential / Residential Parcel Independently

Off. = Applies to Office / Professional Parcel Independently

SA = Settlement Agreement

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>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' successors and assigns and interests with respect to the Property and the Application:</p>				
<p>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); except as specifically required by these conditions of approval; each phase will be subject to these conditions independently.</p> <p>Condition 1 is modified to provide that 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”, which is attached hereto and made a part hereof, provided that those Conditions identified on Exhibit “B” as applicable to the development of both the Office Parcel and Residential Parcel shall not be subject to this modification.</p>	1	X	X	<i>This statement is true. No action required.</i>
<p>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 Exhibit A. Any change to the Plan that could, in the opinion of the Township Engineer, result in noncompliance with any of the criteria required for the Conditional Use approval granted hereunder or result in violation of a condition imposed herein, shall require a revised conditional use approval.</p>	2	X	X	<i>This statement is true. No action required.</i>

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>Conditions 2, 3 and 31 are modified to provide that future modifications to the Settlement Plan shall be governed by Paragraph 4 of this Agreement.</p>				
<p>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, and that such changes shall not affect the approval granted herein unless, in the Township Engineer's opinion, such changes cause the Plan to be noncompliant with the criteria required for the grant of conditional use or in violation of a condition set forth herein.</p> <p>Conditions 2, 3 and 31 are modified to provide that future modifications to the Settlement Plan shall be governed by Paragraph 4 of this Agreement.</p>	3	X	X	<p><i>This statement is true. No action required.</i></p>
<p>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.</p>	4	X		<p>The indicated decks appear to be slightly greater than 200 sf in some cases of the end Villa's (215± sf). The applicant should dimension the decks. Additionally, the HOA declaration has not been provided for confirmation.</p>
<p>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.</p>	5	X		<p>This statement is true; however, architectural building plans and HOA Declarations have not been provided for confirmation.</p>
<p>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).</p>	6	X		<p><i>This statement is true and confirmed in General Note 3 on Sheet 7 of the Land Development Plans.</i></p>
<p>7. At least thirty of the residential units constructed on the Property (regardless of the total number of residential units constructed) shall be carriage homes.</p> <p>Condition 7 is modified to provide that at least twenty-six (26) of the residential units constructed on the Property shall be carriage homes.</p>	7	X		<p><i>This statement is true. 26 Carriage homes are proposed.</i></p>
<p>8. All carriage homes shall have a first floor master bedroom having a dedicated full bathroom (i.e. shower/bath, toilet and sink).</p>	8	X		<p>This statement is true; To confirm the same, a general note should be added to the plans indicating the same.</p>
<p>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.</p>	9	X		<p>Parking compliance will be verified upon addressing concerns within the review letter.</p>

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>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.</p>	10	X	X	<p><i>This statement is true and confirmed by General Note 2 on Sheet 7 of the Land Development plans.</i></p>
<p>11. Vehicular access shall be provided to Swedesford Road via Loop Road A. If that connection cannot be made, vehicular access to Swedesford Road shall be provided through the Office Parcel no later than the time of the transfer of control of the HOA from the declarant to the association and shall be subject to PennDOT approval.</p> <p>Conditions 11 and 12 are modified to require that Arcadia provide indirect vehicular access 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.</p>	11		X	<p><i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i></p>
<p>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.</p> <p>Conditions 11 and 12 are modified to require that Arcadia provide indirect vehicular access 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.</p>	12		X	<p><i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i></p>
<p>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.</p>	13	X		<p>Access roads are proposed; however, their widths are 12 ft in lieu of 18 ft. Furthermore, access gates should be approved by the Fire Chief.</p>
<p>14. If Loop 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.</p>	14		X	<p><i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i></p>
<p>15. A paved walkway shall be provided along Walker Road or along the top of the proposed dam along Walker Road, if permitted by DEP, and shall tie into the internal pedestrian network within the Residential Parcel to allow pedestrian access to Loop 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.</p> <p>Condition 15 shall be modified to provide that the walkway depicted on the Settlement Plan along the northern border of the Residential Parcel will traverse the top of the proposed dam along Walker Road, as depicted on the Settlement Plan, subject to DEP approval.</p>	15	X	X	<p>Pedestrian access along Old Eagle School Road to E. Swedesford Road is not proposed. Pedestrian improvements in this area are required to be reviewed and approved.</p>

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<p>16. The Applicant shall be responsible for the reasonable cost of repair of any physical damage to residential structures located on properties adjacent to and downstream of the Property 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.</p> <p>Conditions 16 and 21 are clarified to apply only to those residential properties which are both adjacent to and downstream of the Property.</p>	16	X		<i>This statement is true. No action required.</i>
<p>17. The width of all streets (except for emergency access roads, which shall be governed by item 13 above) within the Property shall be at least 24 feet. This condition shall not be construed as a waiver of any Ordinance requiring a street width of more than 24 feet and any intent by Applicant to construct streets within the Property that do not meet the minimum width required by the Ordinance shall require a waiver from the Planning Commission.</p> <p>Condition 17 is modified to provide that the width of all streets within the Residential Parcel (except for emergency access roads, which shall be governed by Condition 13) shall be 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.</p>	17	X		<i>This statement is true and the plans are compliant with the street width requirements.</i>
<p>18. All driveways shall contain a straight length of at least 25-ft feet for the residential units, and 40-feet for the non-residential uses. The foregoing required distances shall be measured from the paved cartway edge of the intersecting street and extending inside the lot, unless the residential unit contains sidewalk between the residence and the cartway, in which case the required distance shall be measured from the interior boundary of the sidewalk.</p> <p>Condition 18 is modified to provide that 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.</p>	18	X	X	<i>This statement is true and the plans appear to be compliant with the requirement.</i>
<p>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:</p>	19	X		This statement is true; however, the HOA Declarations have not been provided for confirmation.
<p>a. Provisions imposing upon the HOA the responsibility, subject to liens on the HOA property and the residents'</p>	19.a	X		This statement is true; however, the HOA

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
properties, to comply with the post-construction O&M requirements and funding thereof; and				Declarations have not been provided for confirmation.
b. That all unit purchasers and their successors execute a written acknowledgement of the foregoing responsibilities.	19.b	X		This statement is true; however, the HOA Declarations have not been provided for confirmation.
<p>20. Applicant shall engage a credentialed historical consultant which will use ground penetrating radar, similar to an ultrasound, 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.</p> <p>Conditions 16 and 21 are clarified to apply only to those residential properties which are both adjacent to and downstream of the Property.</p>	20	X		<i>An archeological field study was conducted by RGA Cultural Resource Consultants and discovered no evidence of historical remains. Furthermore, the PA Historical and Museum Commission issued a no impact to historic resources letter on April 5, 2017.</i>
<p>21. The Applicant shall be responsible for the reasonable cost of repair of any physical damage to residential structures located on properties adjacent to and downstream of the Property 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 Office Parcel, as measured from the date of the issuance of a use and occupancy certificate for the Office Parcel.</p>	21		X	<i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i>
<p>22. The stormwater management system designed, built and maintained by the Applicant shall be maintained to achieve the following performance standards:</p>	22	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>a. 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).</p>	22.a	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>b. 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.</p>	22.b	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>c. 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).</p>	22.c	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.

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d. 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.	22.d	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
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.	23	X		<i>This statement is true. No action required.</i>
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.	24	X		<i>This statement is true. No action required.</i>
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.	25	X		<i>This statement is true. No action required.</i>
26. The Property shall be served by public sanitary sewers. No on-site sanitary sewage systems shall be permitted.	26	X	X	<i>This statement is true. No action required.</i>
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.	27	X		Confirmation of vehicular access easements and locations should be clearly defined on the plans.
28. During land development, grading shall be revised such that:	28	X		
a. No retaining wall is located closer than 8 feet to any dwelling unit unless approved by the Township Engineer.	28.a	X		<i>The plans appear to be compliant with the requirement.</i>
b. All grades within 8 feet of any dwelling unit do not exceed 20%.	28.b	X		It appears some dwellings are located closer than 8 feet to slopes exceeding 20%.
c. Navigable means of vehicular access is provided to each stormwater basin for construction and maintenance equipment. The requirement in Condition 28 that navigable means of vehicular access be provided to each stormwater basin for construction and maintenance equipment is clarified to provide that 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.	28.c	X		Confirmation of vehicular access easements and locations should be clearly defined on the plans.
29. Within six months (subject to reasonable, documented delays resulting from weather) the issuance of use and occupancy permits for 75% of the residential units approved for construction, Applicant shall repave Walker Road from its intersection with Old Eagle School Road and continuing 975	29	X		<i>This statement is true. No action required.</i>

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>linear feet in a westward direction along the Property's boundary according to specifications reviewed and approved by the Township Engineer. 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.</p> <p>Condition 29 is clarified to provide that Arcadia 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 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, and Condition 30 is clarified to provide that the developer of the Office Parcel shall repave Old Eagle School Road between its intersection with Swedesford Road to its intersection with Walker Road 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.</p>				
<p>30. Within six months (subject to reasonable, documented delays resulting from weather) the issuance of use and occupancy permits for the Office Parcel, Applicant 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. 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.</p>	30		X	<p><i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i></p>
<p>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 Plan and its other submissions included in the hearing record, consistent with this Decision and Order, and with testimony offered, provided however that the Plan and exhibits are preliminary in nature and may change as necessary to reflect the engineering of the project described in the Application and to comply with this Decision and Order, 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.</p> <p>Conditions 2, 3 and 31 are modified to provide that future modifications to the Settlement Plan shall be governed by Paragraph 4 of this Agreement.</p>	31	X	X	<p><i>This statement is true. No action required.</i></p>
<p>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</p>	32	X	X	<p>To date, a legal description of the property has not been provided.</p>

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appeal.				
Stormwater, Traffic, Sanitary Sewer and Geotechnical Conditions				
1. Required Permits for the Residential Parcel and the Office Parcel may be pursued separately.	1			
<p>a. Third party permits (PADEP, CCCD, PADOT, etc.) shall be obtained by the respective deadlines set forth below, at a minimum these include the following:</p> <p>Conditions 1.a. and 1.b. of the Stormwater, Traffic, Sanitary Sewer and Geotechnical Conditions (“Additional Conditions”) is modified to provide that all third-party permits and Township permits, including, but not limited to, DEP, PennDOT and Chester County Conservation District permits, shall be obtained prior to the recording of a Final Subdivision and Land Development Plan for which such permits are required.</p>	1.a	X	X	<i>See below.</i>
<p>i. NPDES Permit (PADEP) shall be secured prior to final approval of the land development plan for the Property.</p>	1.a.i	X	X	<i>Permit acquired.</i>
<p>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) shall be secured prior to final approval of the land development plan for the Property;</p>	1.a.ii	X	X	<i>Permit acquired.</i>
<p>iii. Highway Occupancy Permit (PADOT), if necessary, shall be secured prior to recording of the land development plan for the Property; and</p>	1.a.iii	X	X	<i>Not Applicable to Residential Development.</i>
<p>iv. Sanitary Sewer Planning Approval (PADEP) shall be secured prior to recording of the land development plan for the Property.</p>	1.a.iv	X	X	<i>Exemption received.</i>
<p>b. Township Permits (to be submitted, reviewed and issued concurrent with Land Development approvals):</p> <p>Conditions 1.a. and 1.b. of the Stormwater, Traffic, Sanitary Sewer and Geotechnical Conditions (“Additional Conditions”) is modified to provide that all third-party permits and Township permits, including, but not limited to, DEP, PennDOT and Chester County Conservation District permits, shall be obtained prior to the recording of a Final Subdivision and Land Development Plan for which such permits are required.</p>	1.b	X	X	<i>Will be required post approval and prior to construction.</i>
<p>i. Stormwater and Grading permit (prior to Final Land Development Approval)</p>	1.b.i	X	X	<i>Will be required post approval and prior to construction.</i>
<p>ii. Road Opening Permit</p>	1.b.ii	X	X	<i>Will be required post approval and prior to construction.</i>

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iii. Sewer Connection Permit	1.b.iii	X	X	<i>Will be required post approval and prior to construction.</i>
2. Township Sanitary Sewer Trunk Line for the Residential Parcel	2			
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.	2.a	X		Plans appear to provide adequate access; however, easements shall be updated to include metes and bounds.
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.	2.b	X		<i>The plans appear to be compliant with the requirement.</i>
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.	2.c	X		<i>Our office has no objection to the proposed grades.</i>
d. The Applicant shall pedant' 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.	2.d	X		<i>Video Inspection received.</i>
3. Traffic	3			
a. Prior to Final Land Development approval(s), the Applicant(s) shall comply with the traffic comments in the Orth-Rodgers review letter, dated April 8, 2014, to the satisfaction of the Planning Commission.	3.a		X	<i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i>
b. The Applicant(s) 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.	3.b		X	<i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i>
c. The Applicant shall secure all PADOT HOP and Traffic Signal Permits, as necessary, prior to the recording of the approved Land Development Plan. Copies of all	3.c		X	<i>This statement is true. It is noted that this requirement relates to only the</i>

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PADOT permits shall be provided to the Township, as well as noted on the Final Plans to be recorded.				<i>Professional Parcel.</i>
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.	4.a	X	X	<i>Permits were provided.</i>
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.	4.b	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
c. For the Property the Plan currently shows that total storage volume is 157,891 CF (3.62 Ac-Ft).	4.c	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
i. For POI#1 (Townhomes) the total volume is 40,985 CF (0.94 Ac-Ft).	4.c.i	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
ii. For POI#2 (Carriage Homes) the total volume is 56,750 CF (1.30 Ac-FT).	4.c.ii	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
iii. For POI#3 (Professional) the total volume is 60,156 CF (1.38 Ac-Ft).	4.c.iii	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
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.	4.d	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.

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<p>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.</p>	4.d.i	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.e	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.f	X		This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.g	X		This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.h	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.i	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.j	X		This should be further confirmed with the Township's Stormwater Management Consultant.
<p>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.</p>	4.k	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
<p>l. Given the complexity of the proposed Wayne Glen Stormwater Management and Site Land Development</p>	4.l	X	X	This should be further confirmed with the

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>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 it can only be used for stormwater O&M (inspections, routine repair/ maintenance activities, and/or emergency repair / maintenance / replacement, etc.).</p>				<p>Township’s Stormwater Management Consultant.</p>
<p>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.</p>	4.m	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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 penult 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.</p>	4.n	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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.</p>	4.n.i	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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</p>	4.n.ii	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>

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<p>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.</p>				
<p>iii. The proposed infiltration BMP areas shall be clearly field demarcated to prevent any potential compaction due to construction activities,</p>	4.n.iii	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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.</p>	4.n.iv	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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.</p>	4.n.v	X	X	<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>
<p>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,</p>	4.n.vi		X	<p><i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i></p>
<p>vii. 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</p>	4.n.vii	X		<p>This should be further confirmed with the Township’s Stormwater Management Consultant.</p>

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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.				
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.	4.o	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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).	4.p	X		This should be further confirmed with the Township's Stormwater Management Consultant.
5. Operations and Maintenance	5			
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.	5.a	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.b	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.c	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.d		X	<i>This statement is true. It is noted that this requirement relates to only the Professional Parcel.</i>
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.	5.e	X		This should be further confirmed with the Township's Stormwater Management Consultant.

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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.	5.f	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.g	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.h	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.i	X	X	This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.j	X		This should be further confirmed with the Township's Stormwater Management Consultant.
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.	5.k	X		This should be further confirmed with the Township's Stormwater Management Consultant.
6. Geotechnical	6			

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<p>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 are there shall be financial security in the form of an insurance policy, escrow, and/or funding collected and clearly identified for funding the HOA's continuing requirements for post-construction operations and maintenance, including also sinkhole remediation within the HOA fees, specifically to address the costs of sinkhole impacts on the site's infrastructure, including the stormwater management system, roadways, and bridges, etc. The security must also provide provisions to replace the project's stormwater management systems below the roads (specifically including, without limitation, the new Walker Road culvert and contiguous dam) and in common areas in the event they fail to meet the criteria of peak and volume reductions required by this approval.</p> <p>Condition 6.a. of the Additional Conditions shall be clarified to provide that the required funds 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.</p>	6.a	X		<i>This Statement is agreed upon. The plans appear to be compliant with the requirement.</i>
<p>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.</p>	6.b	X	X	<i>This Statement is agreed upon. No action required.</i>

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<p>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.</p>	6.c	X	X	<i>This Statement is agreed upon. No action required.</i>
<p>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.</p>	6.d	X	X	<i>This Statement is agreed upon. No action required.</i>
<p>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.</p>	6.e	X		<i>This Statement is agreed upon. No action required.</i>
<p>f. All stormwater pipe and connections must be provided with watertight gaskets.</p>	6.f	X	X	<i>This Statement is agreed upon. No action required.</i>
<p>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.</p>	6.g	X	X	<i>This Statement is agreed upon. No action required.</i>
<p>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.</p>	6.h	X	X	<i>This Statement is agreed upon. No action required.</i>
<p>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</p>	6.i	X	X	<i>This Statement is agreed upon. No action required.</i>

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
<p>Engineer, and/or provide a compensatory reduction of impervious surface to compensate for the loss of any required infiltration volumes.</p>				
<p>1 – Settlement Agreement: <u>CONDITIONAL USE PLAN MODIFIED.</u> Subject to the terms and conditions contained in this 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 November 12, 2015, a copy of which is attached hereto and made a part hereof as Exhibit “A” (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. It is understood that the development proposed for the Office Parcel, as depicted on the Conditional Use Plan, is conceptual in nature and may be redesigned during the land development process to include one or more office buildings, provided that such redesign is in compliance with the terms of the Decision, as modified by this Agreement. The Decision is hereby modified as per the terms and conditions in this Agreement.</p>				<p><i>This Statement is agreed upon. No action required.</i></p>
<p>2 – Settlement Agreement: <u>AGREEMENT GOVERNS DEVELOPMENT.</u> A. This Agreement grants the waivers from the SALDO as referenced in this Agreement and as shown on the Settlement Plan attached as Exhibit “A”. B. This Agreement grants the variance from the Zoning Ordinance as referenced in this Agreement and as shown on the Settlement Plan attached as Exhibit “A.” C. Additionally, the following Appealed Conditions are hereby amended as follows and, unless otherwise specifically modified as set forth below, shall be subject to the requirement that they be satisfied prior to the approval of a Preliminary Subdivision and Land Development Plan for the Office Parcel or the Residential Parcel, as the case may be and as identified in Paragraph 2.C.(1) hereof: <i>(indicated above in blue with associated condition number)</i></p>				<p><i>This Statement is agreed upon. No action required.</i></p>
<p>2D – Settlement Agreement: 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, as herein defined. 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.</p>	SA 2D			<p><i>This Statement is agreed upon. No action required.</i></p>
<p>2E – Settlement Agreement: The provisions of Paragraph 2 hereof shall supersede any conflicting Conditions. Further, to the extent that there is a conflict between this Agreement (which includes the Settlement Plan) and the Decision, this Agreement shall control the development of the Property.</p>	SA 2E			<p><i>This Statement is agreed upon. No action required.</i></p>

IV. Conditions of Approval	Cond. #	Res.	Off.	Status
Notwithstanding the foregoing, to the extent not modified, either explicitly or impliedly, by the terms of this Agreement, the Decision shall remain in full force and effect.				
<p>3 – Settlement Agreement:</p> <p>DEVELOPMENT IN PHASES. The Residential Parcel and the Office Parcel may be constructed or installed in separate phases (each a “Phase”), over time, as determined by Arcadia.</p> <p>Due to the reduction in density of the Residential Parcel as depicted on the Settlement Plan attached as Exhibit “A”, Condition 3 of the Additional Conditions shall be clarified to provide that Condition 3 of the Additional Conditions shall not apply to the land development and construction of the Residential Parcel, and those portions of Condition 3 of the Additional Conditions applicable to the Office Parcel shall be addressed at the time of land development and construction of the Office Parcel.</p>	SA 3			<i>This Statement is agreed upon. No action required.</i>
<p>4 – Settlement Agreement:</p> <p>CHANGES TO SETTLEMENT PLAN. The Parties acknowledge that the Settlement Plan is preliminary and not yet fully engineered. If, following execution of this 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 this Agreement and will be permitted absent amendment of the Decision or this 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 (the overall layout of the Office Parcel may be redesigned from what is depicted on the Conditional Use Plan to include one or more buildings, provided that the total impervious coverage does not increase beyond what is depicted on the Conditional Use Plan); (v) violate any terms of the Decision, as modified herein; (vi) violate the Zoning Ordinance (except to the extent that relief therefrom is expressly provided herein); (vii) violate the SALDO (except to the extent that relief therefrom is expressly provided herein); (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 hereof. 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.</p>	SA 4			<i>This Statement is agreed upon. No action required.</i>