

Swarthmore Environmental Advisory Council
Minutes
Tuesday, December 28, 2021
Approved 1/25/22

Present: Margaret Betz, Sue Edwards, Nancy English, Chris Gradel, Francie Halderman, Elizabeth Jenkins, Susan Kelly, Betsy Larsen, Scarlett McCahill, John McKinstry, Carol Nackenoff, Allen Prindle, Robin Schaufler

The December 28 meeting of the Swarthmore EAC began promptly at 7:30 pm.

One agenda item – EAC review of the preliminary sketch plans for the proposed Park Avenue development.

- No public comment was offered.
- Summarized previously submitted EAC comments on Park Avenue development and reviewed environment-related topics from the latest round of documentation (Preliminary Sketch Plans).
- Discussion included impacts on street trees, replacement trees, open space, and storm water management.
- An “EAC Review” was developed and unanimously approved – see document below
 - Replacement trees – compliance with code recommended
 - Open space – importance of open space highlighted
 - No recommendation regarding storm water as systems appear to go above and beyond requirements
- Recommendations will be sent to the Planning Commission for consideration at their January meeting
- Also discussed: There is currently no code requiring energy efficiency measures in new development. The EAC will research suggestions for future code changes covering energy efficiency of buildings as well as other energy efficiency and environmental requirements in 2022.

Respectfully submitted,
Nancy English

EAC Review of the Preliminary Sketch Plans for the Proposed Park Avenue Development

12.28.21

Passed unanimously at the 12.28.21 EAC Meeting

The EAC would like to recognize the use of primarily native plants in the “Preliminary Hardscape, Landscape, and Lighting” plan, the decision to plant all 5 required street trees, and the actions taken to mitigate stormwater runoff. However, the EAC finds that the application does not meet the requirements of 1293.07b – Requirements for the Replacement of Vegetation. The design should be held to the standards set in 1293.07a; i.e., “Where earth

disturbance exceeds 500 square feet, applied independently and cumulatively, replacement plantings shall be installed in accordance with the standards set forth....”

1293.07b states that there must be “constraints incident to the land itself (including, but without limitation, extreme topography, unsuitable soils, rock outcrops and existing uninterrupted dense canopy) [that would] render it impracticable to locate on the lot the required number of replacement plantings....” That is not the case here, nor do the applicants assert that is the case. The constraint is based solely on the design of the building site.

The EAC Powers, as laid out in 274.05, state that the EAC can make “recommendations as to the possible use of open space, including undeveloped land....” As such, the EAC asks that the Planning Commission consider the implications of 1264.11f; i.e., “The conditional use does not cause overcrowding of the land....” Town Center has limited undeveloped land and open space. Our assessment is that the loss of the existing green space and its contribution to greater density would be detrimental.

Appendix (Entirety of text for codes referenced above, in the order mentioned)

1293.07 REQUIREMENTS FOR REPLACEMENT OF VEGETATION (TREES AND SHRUBS).

(a) Calculation of Required Vegetation Replacement. Where earth disturbance exceeds 500 square feet, applied independently and cumulatively, replacement plantings shall be installed in accordance with the standards set forth in both paragraphs (1) and (2) below. Street trees and trees planted in buffer zones shall count towards replacement tree requirements. The selection of acceptable replacement plantings shall be subject to approval by the Borough.

(1) Replacement of trees removed: For each tree with a caliper greater than eight inches to be removed, required replacement trees shall be calculated in accordance with the following schedule.

For each tree to be removed, Minimum number & Caliper
at the following calipers: _____ of replacement trees:

| | |
|---------------------------------------|-------------------|
| One, 8" to 18" caliper | One 3½" caliper |
| One, greater than 18", to 24" caliper | Two 3½" caliper |
| One, greater than 24", to 36" caliper | Three 3½" caliper |
| One, greater than 36" caliper | Four 3½" caliper |

(2) Additional tree planting requirements: For each two thousand square feet, applied independently and cumulatively, of new impervious surface that will be created as a result of development, one tree of at least two inches to two and one-half inches caliper shall be planted.

(b) In the event that the applicant establishes to the satisfaction of the Borough that constraints incident to the land itself (including, but without limitation, extreme topography, unsuitable soils, rock outcrops and existing uninterrupted dense canopy) render it impracticable to locate on the lot the required number of replacement plantings or street trees, then, at the election of the Borough and where approved by the Borough as a condition of any

applicable subdivision or land development approval, the applicant shall undertake one or a combination of the following:

(1) Install fewer, larger or more valuable trees with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of plantings.

(2) Install required replacement plantings at a site or sites other than that subject to replacement planting.

(3) In lieu of actual installation of replacement plantings, place the equivalent cash value, as agreed upon by the Borough and the applicant, for required replacement plantings into a Borough fund established for that purpose. Such fund shall be utilized at the discretion of the Borough for the management and maintenance of public street trees and/or public park areas within the Borough.

(c) Required replacement vegetation and their measurement shall conform to the standards of the publication "American or U.S.A. Standard for Nursery Stock", American National Standards Institute (ANSI) or U.S.A.S. Z60.1 of the American Association of Nurserymen, as currently amended. All plant material used on the site shall be hardy to the United States Department of Agriculture (USDA) Zone 6 designation and shall be nursery grown, unless it is determined by the Borough that the transplanting of plant material partially fulfills the requirements of this section.

(d) Selection of the species of replacement plantings and determination of planting locations shall reflect careful site evaluation, including the site's geology, hydrology, soils and microclimate, shall promote the design objectives of the plantings including visual screening, noise abatement and energy conservation, and shall utilize as much as possible native plant material.

(e) The locations, selected species, and sizes of all replacement plantings, along with a planting schedule tied to the timing and/or phasing of the construction, shall be indicated on the final subdivision/land development landscape plan or building permit application, as applicable, and shall be subject to approval by the Borough.

(f) Vegetation intended to remain post-disturbance shall be protected from damage during construction, including, but not limited to, damage to above-ground vegetation structure, damage to root structure, and pollution of soil impacting the vegetation.

(g) Where any tree greater than twelve inches caliper is removed without prior Borough approval, replacement plantings in addition to any otherwise required shall be installed in a manner acceptable to the Borough at a rate of ten trees of at least three and one-half inch caliper for each tree so removed. Any other applicable penalty under law also shall be imposed.

274.05 POWERS.

The Environmental Advisory Council shall have the following powers, subject to the limitations set forth in Section [274.06](#):

(a) Identify environmental problems, including those caused by human intervention (including plantings), that affect the air, land, water and other natural resources in Swarthmore Borough and recommend plans and programs for their remediation.

(b) Recommend plans and programs to Borough Council for the promotion and conservation of natural resources and for the protection and improvement of the quality of the environment.

(c) Identify public and private sources of funding for preserving, protecting, and studying the quality of the environment, and develop grant proposals to obtain such funding.

(d) Make recommendations as to the possible use of open space, including undeveloped land and recreational areas, in Swarthmore.

(e) Promote a community environmental program in cooperation with governmental and nongovernmental entities as prescribed in Section [274.04\(b\)](#).

(f) Develop and maintain an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and environmentally sensitive areas.

(g) Develop and maintain a report on the status of environmental conditions as a baseline for future evaluation.

(h) Advise Borough Council regarding the acquisition of property, or the interest in property.

(i) Undertake such environmental tasks as requested by the governing body of the Municipality.

(j) Request notice of all pending applications for subdivision, variances and conditional uses and provide written comments to the Planning Commission and Borough Council upon the request of either body.

(k) Undertake additional duties as requested by Borough Council.

1264.11 CONDITIONAL USES.

Uses specified as conditional within each district shall be permitted only after review by the Planning Commission and approval by Council at a public meeting. The approval shall be based on the following standards:

(a) The conditional use is consistent with the Borough Comprehensive Plan and the spirit, purpose, intent and provisions of this Zoning Code.

(b) The property is suitable for the conditional use and such use may be regulated by appropriate conditions and safeguards.

(c) The conditional use serves the best interests of the Borough and community and does not injure the health, safety and general welfare of the public.

(d) The conditional use does not cause inefficiencies in the maintenance of public services such as sewers, water, police and fire protection, transportation and public schools.

(e) The conditional use is not incompatible with the surrounding area in character and type of development and does not injure property values in the neighborhood.

(f) The conditional use does not cause overcrowding of the land and congestion of the circulation systems.

(g) No activity shall be conducted that would cause odors, unreasonable noise, smoke, vibrations, pollution or electromagnetic interference beyond the property line.