



# Protection Strategies: Land Conservation & Historic Resource Protection

This chapter provides an overview and recommendations for eastern battlefield municipal<sup>1</sup> policy and measures for land conservation and historic resources protection.

## Land Conservation Overview

From its founding in 1682, Chester County, and the battlefield area, became a highly successful agricultural community. By 1777, the battlefield was largely a farm community dominated by crop production. High quality soils and moderate climate made the area ideal for agricultural production<sup>2</sup>. The farming tradition continues to this day, preserving colonial-era farmsteads. Within these Landscapes, areas of that landscape remain intact. The battlefield and larger Brandywine Valley region are fortunate to have municipal governments that promote land preservation, conservation organizations with long-term experience in protecting land, and property owners with an interest in long-term land and resources stewardship and conservation.

Under PA law, municipal-level regulation has the authority in most land use decisions. A variety of ordinance-based options for conserving land have been used in the battlefield under the Municipalities Planning Code (MPC), PA Act 247. Many of the 15 battlefield municipalities have adopted zoning and subdivision ordinance provisions that promote land conservation and natural and historic features preservation during land development, whereby sensitive lands are designated to remain undeveloped or to have limited development. Often, this takes the form of open space/conservation design development, whereby units are grouped on smaller lots and large ‘common’ land areas (aka ‘restricted’ or ‘protected’ open space) remain as farms, preserves, historic landscapes, parklands, passive recreation, or undeveloped land, which is managed by a homeowner, condo, or like association. When land conservation occurs for just one site or lot, it is sometimes referred to as a ‘conservation tract or lot’. Land is protected via notations on recorded subdivision documents, conservation or agricultural easements, deed restrictions, or restrictive covenants, which run with the land and prohibit additional unspecified uses or development, and also provide notice and documentation that land has reservations on its use. There are also many tracts under PA Acts 515 and 319, which provide property tax benefits to agricultural and forested lands. The Acts allow property taxes to be based on current use, as opposed to potential market value use. While these lands are not protected, the Acts, particularly Act 319, discourage future development, which would invoke repayment of back taxes for the difference between current versus market value use.



Land conservation allows retention of a still readable battlefield landscape for future generations.

The most effective tool for land conservation has been its outright protection via fee-simple acquisition or conservation easement (open space or agriculture as well as passive parklands) held by a land trust or government entity. Some municipalities have put forth and accepted land conservation (often term ‘open space’) referendums

<sup>1</sup> As this area touches upon Pocopson Township and the Township is covered in northern Battlefield planning, protection policy and measures are not covered for Pocopson.

<sup>2</sup> See Chapter 2 in the 2013 Plan for more information.

whereby an additional tax is assessed at the municipal level to be used for the permanent preservation of land. Future permitted uses of preserved land is usually based on the reasons for its preservation; as such, the land could be undeveloped open space to protect important natural resources, a nature preserve to protect sensitive habitats, active farmland, passive recreation, parkland, and/or a historic landscape including key feature interpretation. For the 2013 Plan, public input noted that protecting land through purchase or easement can be costly for municipalities, while protection via ordinance standards is a more affordable, but sometimes not permanent, option dependent on how the standards are structured.

Land stewardship is significant in the battlefield dating back to William Penn land grants. The battlefield remains home to descendants of original Quaker colonists who continue to be stewards of their lands and historic structures as part of their family’s cultural heritage. More broadly, many individual property owners have a committed interest in stewardship and preservation, and the protection of the battlefield as a national treasure. This committed interest, in large part, is what has distinguished planning and protection of the battlefield from other places. Several land trusts, such as Brandywine Conservancy and Natural Lands, have been active in battlefield land conservation.

# Land Conservation Policy & Analysis

## Birmingham Township Summary

**Policy:** The Township’s comprehensive plan specifically highlights the preservation of the landscape of the Battle of the Brandywine in its historic preservation goals and notes battlefield preservation as the most important preservation issue for the Township; the Township’s policy is to address and extend comprehensive battlefield and open space preservation. The Township has an active Historical Commission, an active Historical Architectural Review Board, and an active Recreation, Parks and Open Space Committee. The Township also adopted a Cultural Resources Plan with a preservation focus.

**Regulations:** The Residential Transition District encourages conservation by providing the option to use Transferable Development Rights (TDR). A cluster design option is permitted as conditional uses in some zoning districts to provide for greater land conservation efforts. Within the SLDO, conservation plans are required. It further provides requirements for required open space, shade trees, and minimum conservation standards for a variety of environmentally sensitive areas.

**Efforts:** Land conservation efforts have been successful with about one-third of the Township in conserved lands. Around 502 acres are land development open space, and around 47 acres are Township open space and parklands. Additionally, approximately 832 acres have been partially or wholly protected through conservation or agricultural easements.

Figure 5-1a: Birmingham Township Land Conservation-related Regulations Summary

DOCUMENT	STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Has in place a TDR program outlined under Article XV.</li> <li><input type="checkbox"/> Allow by conditional use lot averaging and cluster development in the R-A, R-1, R-2, and E-1 districts subject to Article XVI.</li> <li><input type="checkbox"/> Various natural resource protection provisions regulated under Article XVIII.</li> </ul>
Subdivision/ Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conservation Plan requirements under §103-22.</li> <li><input type="checkbox"/> 0.125 acres required to be dedication for recreational space per dwelling unit per §103-26.C.2.</li> <li><input type="checkbox"/> General park, recreation, and open space requirements per §103-26.D.</li> <li><input type="checkbox"/> Requirements for shade trees per §103-33.</li> <li><input type="checkbox"/> Minimum conservation standards for a variety of environmentally sensitive areas per §103-41.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Westtown Township Summary

**Policy:** Westtown Township amended their comprehensive plan to specifically address the preservation of Crebilly Farm and Battlefield landscapes for preservation and passive recreation. The comprehensive plan supports a referendum in the Township for Brandywine Battlefield preservation. The Open Space, Recreation, and Environmental Resources Plan Update notes the limited areas remaining for potential preservation and recommends a focus on preservation of larger properties and others that make connections to open space properties. The Oakbourne Park Master Plan provides a vision and actions for both the areas of the park utilized for active and passive recreation.

**Regulations:** Within the zoning ordinance, in addition to general resource protection standards, Westtown requires open space as part of their Flexible Development Procedure. The Township further requires any applicant for flexible development or on three or more acres go through the conservation design process to clearly delineate sensitive areas and how they will be addressed as part of the proposed development. Within the SLDO, the Township has requirements for a Conservation Plan and standards for open space and protection of existing trees on-site.

**Efforts:** Land conservation efforts have been successful with about nine percent of the Township in conserved lands. Around 164 acres are land development open space, and around 327 acres are Township open space and parklands. In November 2022 Westtown residents voted in favor of a referendum to raise taxes for open space preservation. Passage of this referendum was essential in leveraging additional grant funding for purchase of the majority of the Crebilly Farm. Upon completion of this transaction, this will significantly add to the Township preserved open space.

Figure 5-1d: Westtown Township Land Conservation-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Under the Flexible Development Procedure, the open space standards require a minimum of 10% of the net tract area be suitable for recreation needs.</li> <li><input type="checkbox"/> Conservation Design standards outlined under §170-1617.</li> <li><input type="checkbox"/> Net-out of constrained lands from open space and development calculations under §170-1519.</li> <li><input type="checkbox"/> Natural resource protection provisions regulated under Article IV.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Conservation Plan requirements under §149-801.</li> <li><input type="checkbox"/> Existing trees shall be preserved unless their removal is necessary. Standards for existing trees under §149-924.</li> <li><input type="checkbox"/> 10% of gross tract area on tracts greater than two acres shall be preserved as open space or recreational facilities per §149-921.</li> <li><input type="checkbox"/> Fee-in-lieu of a development providing recreation areas under §149-921.F.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Thornbury Township (Chester County) Summary

**Policy:** Thornbury Township includes official policy like their Bicycle and Pedestrian Mobility Plan which promotes land conservation especially through historically significant viewsheds and natural areas. Their Comprehensive Plan has an emphasis on land conservation which is reflected by the existence of their Parks & Recreation Commission. The Township has a policy of promoting the preservation of community character and viewsheds. To assist in implementation of these policies, the Township has an active Parks and Recreation Commission and Historic Preservation Commission.

**Regulations:** Within the zoning ordinance, in addition to general resource protection standards, Thornbury has significant required open space allotments for both the Planned Residential District and the Cluster Residential Development option at 40% and 60% preserved respectively. The Township further has net-outs for constrained

lands when calculating gross density for development. Within the SLDO, the Township has requirements for an Environmental Impact Study and standards for recreational space and protection of existing trees on-site.

**Efforts:** Land conservation efforts have been successful with about 17.5 percent of the Township in conserved lands. Around 198 acres are land development open space, and around 132 acres are Township open space and parklands. Additionally, approximately 100 acres have been partially or wholly protected through conservation or agricultural easements.

Figure 5-1c: Thornbury Township Land Conservation-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Planned Residential District has requirement for 40% of total site be set aside for common open space and further standards per §155-709.</li> <li><input type="checkbox"/> Cluster Residential Development has requirement for 60% of total site be set aside for common open space per Article XII.</li> <li><input type="checkbox"/> Natural resource protection provisions regulated under Article XIV.</li> <li><input type="checkbox"/> Net-out of constrained lands for gross density calculations under §155-1409.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental Impact Study requirements under §115-401.B.6.h.</li> <li><input type="checkbox"/> Requirements for protection of existing trees per §115-529.D.</li> <li><input type="checkbox"/> 0.0459 acres required to be dedication for recreational space per dwelling unit per §115-517.B.</li> <li><input type="checkbox"/> Fee-in-lieu of a development providing recreation areas under §115-517.C.</li> <li><input type="checkbox"/> General recreational space requirements per §115-517.D.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> Official map illustrates preserved open space and agricultural easements.</li> </ul>

## Pennsbury Township Summary

Pennsbury Township supports open space, greenways, land conservation, and preservation, and Brandywine Battlefield and its National Historic Landmark, in Township policy. Today, the general Eastern Column Landscape area in Pennsbury has a mix of suburban development, lower density development including along Baltimore Pike, and rural and agrarian tracts some of which are preserved.

**Policy:** Township planning policy is supportive of land conservation, including a Comprehensive Plan, Open Space, Recreation and Environmental Resources Plan (OSRER) and Route 1 Corridor Improvement Plan. The Township is also part of the multi-municipal Brandywine Greenway Plan project, a coordinated approach of planning for a natural and cultural resources conservation corridor via an interconnected system of protected lands and linkages, centering along Brandywine Creek. The Township is working toward an interconnected greenways, open space, park, and nature preserve system as promoted by the Comprehensive Plan. The Township has an Open Space Advisory Committee and has municipal land conservation funding in place.

**Regulations:** Zoning employs open space design development to address lands and resources to be preserved during land development. Land conservation can be accomplished during land development through the open space design option. Importantly, zoning contains a Route 1 Corridor and Brandywine Battlefield Overlay District that is specifically geared to regulate these areas for rural character and resources retention including to have appropriate uses, density, design, and level of protection. Within the SLDO, the Township has requirements for a site analysis plan and various other environmental aspects of the proposed development. It further has standards for recreational space, recreation fee-in-lieu, and natural resource conservation.

**Efforts:** Land conservation efforts have been successful with about 37 percent of the Township in conserved lands. Around 284 acres are land development open space, and around 150 acres are Township open space and parklands. Additionally, approximately 1,926 acres have been partially or wholly protected through conservation or agricultural easements. There are also many tracts under PA Acts 515 and 319.

Figure 5-1b: Pennsbury Township Land Conservation-related Regulations Summary

DOCUMENT	STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Rt. 1 Corridor and Brandywine Battlefield Overlay District (All uses by conditional use, requires preservation of open spaces, vegetation and viewsheds to the greatest extent possible) per Article XII-a.</li> <li><input type="checkbox"/> Open Space Design Option and Lot Averaging in the R-1, R-2, and R-3 districts per Article XVIII.</li> <li><input type="checkbox"/> Net-out of constrained lands open space and development calculations.</li> <li><input type="checkbox"/> Natural resource protection provisions regulated under Article XV.</li> </ul>
Subdivision/ Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Plan content requirements for site analysis plan and other environmental aspects per Article IV.</li> <li><input type="checkbox"/> Specific requirements based on use for required recreational facilities/land per §138-525.C.</li> <li><input type="checkbox"/> Fee-in-lieu of a development providing recreation areas under §138-525.D.</li> <li><input type="checkbox"/> General recreational space requirements per §138-525.E.</li> <li><input type="checkbox"/> Natural resource conservation standards per §138-530.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> Official map illustrates preserved open space and agricultural easements.</li> </ul>

## Chadds Ford Township Summary

**Policy:** Chadds Ford Township supports land conservation via its Comprehensive Plan where its guiding principles include: expand protected and designated open spaces, conserve heritage landscapes, protect natural resources, minimize disruption of scenic resources, and expand and improve opportunities for parks and recreation. The Open Space Plan states the Township should adopt an Official Map to be more proactive with targeted open space preservation as well as empowering the Open Space Committee to be more active in preservation efforts on behalf of the Township.

**Regulations:** Chadds Ford has an Open Space Committee established that makes recommendations for the possible acquisition of lands suitable for preservation. The zoning ordinance provides opportunities for open space conservation through their Planned Residential Development (PRD) and Open Space Conservation development options, in addition to their various natural resource protection standards. Within the SLDO, the Township has requirements for recreational lands and facilities and protection of existing trees on-site. It further has requirements for a conservation plan and an environmental impact assessment report for applicable subdivision and land development applications.

**Efforts:** Land conservation efforts have been successful with about 28 percent of the Township in conserved lands. Around 281 acres are part of the Brandywine Battlefield Park and First State National Historic Park, and around 84 acres are Township open space and parklands. Additionally, approximately 1,209 acres have been partially or wholly protected through conservation or agricultural easements. There are also many tracts under PA Acts 515 and 319.

Figure 5-1b: Chadds Ford Township Land Conservation-related Regulations Summary

DOCUMENT	STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Any PRD proposed under Article VIII requires not less than 50 percent of the total property designated as common open space.</li> <li><input type="checkbox"/> A PRD requires preservation of natural features whenever possible and specific standards for open space under §135-36.</li> <li><input type="checkbox"/> Any residential development utilizing the Open Space Conservation Option under Article XXIV requires a minimum of 45 percent of the total gross tract designated as common open space. Standards for this open space are under §135-188.</li> <li><input type="checkbox"/> Floodplain and Steep Slope Conservation standards per Articles XV and XVIIIA.</li> </ul>
Subdivision/ Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Plan requirements for recreational lands and facilities per §110-12 for all subdivisions and land developments (excluding single lot residential development). Further permits a fee in lieu of land and/or recreation facilities.</li> <li><input type="checkbox"/> Requirements for a conservation plan to indicate measures proposed to protect natural and environmental features per §110-20.</li> <li><input type="checkbox"/> Tree protection standards per §110-36.F.</li> <li><input type="checkbox"/> Requirements for an environmental impact assessment report to disclose environmental consequences of land development applications per §110-52.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>
Open Space Committee	<ul style="list-style-type: none"> <li><input type="checkbox"/> Established under Chapter 22 of the Township code.</li> <li><input type="checkbox"/> Makes recommendations for the acquisition of lands suitable for open space, conservation, wetland use, and passive recreation.</li> </ul>

## Eastern Battlefield Land Conservation Analysis

### Background

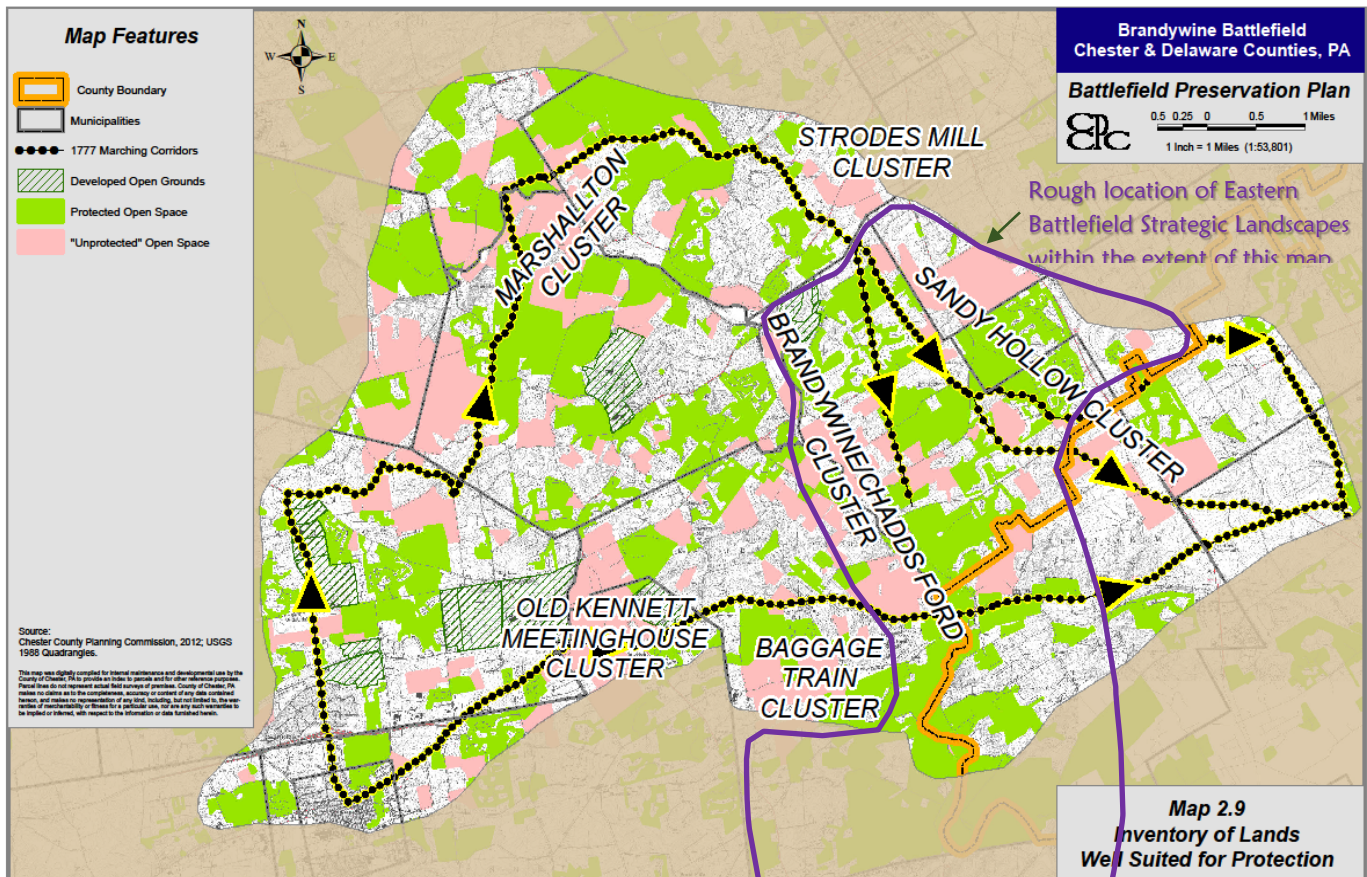
Much of the land conservation effort in the battlefield has focused on preservation of viable farmland, natural resources, and/or historic landscapes relating to battlefield combat/engagement areas in eastern battlefield landscapes, such as Meetinghouse Road Corridor area, an early effort of BBTF led by its founding land conservation ‘arm’, Brandywine Conservancy. Combat areas are an expected conservation focus for battlefields and in the case of Brandywine Battlefield as areas that also are in/near the formal NHL<sup>1</sup> boundaries and NHL planning areas. As well, until the 2010 Study other areas and the extent of the battlefield had not been mapped, so what/where to preserve for purposes of battlefield preservation was not well understood. Eastern battlefield land conservation, however, is still underway with key battlefield landscapes yet to be conserved.

### 2013 Plan Analysis

The 2013 Plan looked at existing and potential for land conservation in the battlefield from a ‘bird’s eye’ regional view. Map 2.9 from the 2013 Plan is included here to show this broad context of how the eastern battlefield fits into overall battlefield land protection. Although development has occurred in eastern battlefield landscapes, the map shows there are unprotected lands in close proximity to protected lands and some developed open grounds,<sup>2</sup> particularly in the ‘Sandy Hollow Cluster’ and ‘Brandywine/Chadds Ford Cluster’.

<sup>1</sup> NHL means National Historic Landmark. See Chapter 2 for information.

<sup>2</sup> ‘Developed open grounds’ are mostly institutional uses with significant open lands, e.g. schools, public uses, golf courses, etc.



## This Plan's Updated Analysis

There remains potential to protect and link lands to create clusters of conserved lands in the eastern battlefield, and such battlefield land conservation efforts can benefit from this plan's further look at the existing mix of unprotected and protected lands in the area. This plan takes a closer look at potential land conservation tracts in relation to existing protected lands and undeveloped land well-suited for protection, battle activities, extant historic resources, battle-era properties, natural features, and buffering as well as important plan heritage themes. Overall potential for additional land conservation is medium to high with farmlands, larger tracts, and undeveloped lands well-suited for conservation.

This plan's analysis supplements 2013 Plan recommendations by identifying additional possible land conservation protection measures. There are some tracts that may also contain battle-era historic resources and associated lands (Chapter 4). Using criteria for examining land conservation potential, identified tracts are generally larger (10 acres+), however key smaller tracts (<10 acres) that contain battle-era historic resources, critical connections, or are part of key battle-era individual/family properties, should also be considered for conservation. Tracts that are in proximity to troop movement areas should also be considered during land conservation efforts, using buffers that are roughly ½-mile wide; an ABPP recommended width appropriate for military activities of the era, terrain, number of troops, and support people and supplies.

# Historic Resource Protection Overview

As with land conservation, the battlefield area, and Chester County overall, has been fortunate to have stewardship-minded landowners, municipal governments, and active citizen volunteers that support historic resource protection. The battlefield is still dotted with period historic structures that highly contribute to the still readable battle-era landscape. Farming traditions that continue today also have contributed to the preservation of many colonial-era structures that are part of original farmsteads. Within the Landscapes, there remain 18<sup>th</sup> century structures that ‘witnessed’ battle activity and those that contribute to Quaker history, battle-era family’s history, the overall period setting, and other plan themes. Eastern battlefield municipalities provide support for historic preservation as evidenced through their policies and regulations discussed below. These communities are part of Brandywine Battlefield Task Force (BBTF) and had representatives on BBTF’s historic resources/interpretation subcommittee; they are working to implement 2013 Plan and strategic landscapes plan heritage interpretation recommendations. Battlefield municipalities also participate in Chester County Historic Preservation Network, a group who advocates for ongoing historic resource preservation, education, and outreach throughout the County.

One of the most effective tools for historic resource protection is property owner stewardship, a willingness to maintain and continue the viability of their historic structures for future generations. Like land conservation, historic resources preservation has been significant in the battlefield. Land conservation along with historic resource preservation, particularly on larger tracts, have tended to go ‘hand-in-hand.’ This is, in part, due to the battlefield remaining home to decedents of colonists, who continue to steward lands and historic structures as part of their and the area’s cultural heritage. More broadly, many property owners have a committed interest in resource preservation, and the protection of the battlefield as a national treasure. This committed interest, in large part, is what continues to distinguish planning and protection efforts in the battlefield from other places.

Historic resource protection is enabled under the Municipalities Planning Code (MPC), PA Act 247. The MPC calls for historic resources protection to be integrated into local planning policy and zoning regulations. Many of the 15 battlefield municipalities have adopted provisions in their zoning and subdivision ordinances that encourage historic resources protection and adaptive reuse and regulate demolition. In Chester County, this often takes the form of a historic resource zoning article or overlay, whereby provisions addressing historic resource protection are added to base zoning. This may include permitting modification of area and bulk requirements; providing additional uses as incentives for continued resource use; or reviewing proposed building changes. Historic resource zoning is often employed in situations where there is not a sufficient concentration (physically and/or period/type of significance) of resources to form a historic district. This tool is flexible and usually employed municipal-wide.

Subdivision and Land Development Ordinances (SLDO) often include provisions requiring identification of historic resources on plans and may also include Historic Impact Statements that examine the impact of new development on historic resources on/near the proposed development tract.

With the majority of battlefield municipalities having Historical Commissions in place. This is a key first step in acknowledging the importance of historic resources and landscapes. There are multiple National Register listed and eligible sites and districts, and locally designated historic resources throughout the battlefield.

The Historic District Act of 1961, PA Act 167, offers a different approach to resource protection. It enables municipalities to protect historic and architectural character through regulating the erection, reconstruction, alteration, restoration, demolition, or razing of buildings within a certified local historic district. Local historic districts established under this Act must be formally certified through the Pennsylvania and Museum Commission (PHMC). This Act also requires the appointment of a Historic Architectural Review Board (HARB) to advise the local governing body on the appropriateness of building activity in the district. This type of protection has tended to be less well used in Chester County, likely due to the less dense development pattern and scattered rural historic resources. However, there are five local historic districts in battlefield communities.



# Historic Resource Protection Policy & Analysis

## Birmingham Township Summary

**Policy:** Birmingham supports historic resources protection policy. The Birmingham Township Comprehensive Plan (adopted in 2015) identified five preservation planning goals, with the following specific to historic preservation: protecting its historic resources; preserving the landscape over which the Battle of the Brandywine was fought; and promoting research into and education about the township’s history. It specifically mentions the importance of battlefield preservation and Birmingham’s continued efforts with the Brandywine Battlefield Task Force for on-going preservation that are a critical element in overall quality of life in the Township.

**Historic Resources:** Birmingham Township falls completely within the boundary of the Brandywine Battlefield National Historic Landmark. The Township contains Dilworthtown Historic District, and nine other individual National Register properties. Birmingham also has many other historic resources as shown on its Cultural Resources map and identified as part of its Inventory of Historic Resources.

**Regulations:** Birmingham has extensive protection measures in place. Birmingham has a Historical Commission that research and documents historic resources, reviews projects impacting historic resources, and maintains the Inventory of Historic Resources. The Township also has a HARB who addresses historic resource protection in the Act 167 Historic (H) District for Dilworthtown and within the Historic District (H) along the Birmingham Road corridor.

Figure 5-2a: Birmingham Historic Resource Protection-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Historical Commission role and responsibilities outlined under §122-36.3.</li> <li><input type="checkbox"/> Article VIII Historic District (H) is an overlay that allows for limited additional uses, additional standards for fences/walls, and other design standards.</li> <li><input type="checkbox"/> Article XII Historic-Commercial District (C-H) applies to Dilworthtown Village and allows for a variety of uses, appropriately scaled lot/bulk standards, and maximum building size for new construction.</li> <li><input type="checkbox"/> Delay and documentation for any proposed demolition of historic resources.</li> <li><input type="checkbox"/> Standards to deny permits for alteration of historic resources.</li> <li><input type="checkbox"/> Additional landscaping and setback requirements for construction impacting historic resources.</li> <li><input type="checkbox"/> Detailed requirements for Historic Resource Impact Studies when required.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> §103-41.D provides minimum conservation standards for visual and historic resources.</li> <li><input type="checkbox"/> Conservation plans must include historic resources as part of its inventory.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Westtown Township Summary

**Policy:** Westtown Township supports historic resources protection via its Comprehensive Plan where historic resources are a priority topic, and recommends a historic resource inventory update, additional resources protection measures, and specifically calls for the preservation of Crebilly Farm, which is partially located within the 2010 ABPP Battlefield Boundary.

**Historic Resources:** Although falling just outside of the boundary of the Brandywine Battlefield National Historic Landmark, the western end of the Township is located within the 2010 ABPP Survey Battlefield Boundary. The Township contains a single National Register property, and many other historic resources as shown on the Historic Resources Map.

**Regulations:** Westtown has limited protection measures in place. Westtown has a Historical Commission that research and documents historic resources, reviews projects impacting historic resources, and maintains the

Historic Resources Map. The Township has 30-day delay-of-demolition for historic resources identified on their historic resources map. This delay is intended to work with the owner on potential reuse of the structure or at a minimum document it prior to its removal. The Multi-Use and Planned Office Campus zoning districts and utility, communication tower, and renewable energy system uses require consideration historic resources.

Figure 5-2d Westtown Township Historic Resource Protection-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Article XXIV of the zoning ordinance addresses historic preservation. This Article outlines the role of the Historical Commission as well as other issues relevant to historic preservation from dela-of-demolition to standards for addition/removal from the Historic Resources Map.</li> <li><input type="checkbox"/> A residential unit density bonus if available for the renovation/reuse of a historic resource as part of an adult community development in the A/C District.</li> <li><input type="checkbox"/> Additional home occupations permitted within a historic resource.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consideration of historic areas and structures are considered as community assets per §149-923.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Thornbury Township (Chester County) Summary

**Policy:** Thornbury Township supports historic resources protection via Comprehensive Plan policy that recommends continued identification and evaluation of resources, encouragement of greater public involvement for preservation efforts, and both coordination with outside agencies and ordinance amendments to mitigate scenic intrusions in historic landscapes.

**Historic Resources:** The western end of Thornbury Township is within the Brandywine Battlefield National Historic Landmark District with the 2010 ABPP Survey Battlefield Boundary covering its southern flank. The Township contains two National Register properties, and many other historic resources as shown on its Historic Resource Inventory.

**Regulations:** Thornbury has a Historical Preservation Commission who address Township-wide historic resources related projects via historic resource protection standards. Some of the responsibilities of the Commission include research and documentation of historic resources, reviews projects impacting historic resources, maintains the Historic Resource Inventory, and propose establishment of historic districts. Thornbury further has a Historic Battlefield Overlay District established to preserve areas of within the Brandywine Battlefield National Historic *LANDMARK DISTRICT*.

Figure 5-2c: Thornbury Township Historic Resource Protection-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Historic Battlefield Overlay District overlay provides incentives to encourage preservation of lands within the designated Landmark District.</li> <li><input type="checkbox"/> Prohibition of demolition by neglect and delay of demolition of historic resources.</li> <li><input type="checkbox"/> Additional review of enlargement or alterations of historic resources.</li> <li><input type="checkbox"/> Standards for a historic resource impact study when required.</li> <li><input type="checkbox"/> Additional B&amp;B use permitted for historic resources.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Historical Preservation Commission review of plans that may affect historic resources.</li> <li><input type="checkbox"/> Site analysis plan for preliminary plans must identify historic resources.</li> <li><input type="checkbox"/> Requirements of a historic resources impact study.</li> <li><input type="checkbox"/> Preservation of historic resources along designated scenic corridors.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> Identifies scenic corridors.</li> </ul>

# Pennsbury Township Summary

**Policy:** Pennsbury emphasizes the importance of historic resources and their protection in Township Comprehensive Plan policies. A Comprehensive Plan policy is to “use the Brandywine Battlefield Historic Landmark reports and documents as guidelines when development is proposed within the battlefield boundaries.” It recommends numerous strategies to preserve battlefield areas, e.g. continued coordination with other battlefield communities, encouraging battlefield lands to be protected in land conservation efforts, use of open space design when development occurs, and implementing strategies Battlefield Protection Strategies Guide.

**Historic Resources:** Pennsbury Township is partially within the Brandywine Battlefield National Historic Landmark District. The Township is part of Longwood Gardens National Register Historic District along with Kennett and East Marlborough Townships. The Township shares State Boundary Markers Linear National Register District (Mason-Dixon/PA-DE Arc Stone Boundary Markers) with Kennett and other state border municipalities including New Castle County, Delaware. Pennsbury also shares Twin Bridges Rural National Register Historic District with Chadds Ford Township. The Township contains Fairville, Harlon Log House, and Parkersville National Register Historic Districts and several individual National Register properties. Pennsbury contains many other historic resources as shown on a Historic Resources Survey and map. The Township is also a member of the Brandywine Valley Scenic Byway and has adopted an Intergovernmental Cooperative Agreement and a Byway Ordinance that promotes the historic and cultural importance of the byway/its resources.

**Regulations:** The Township has extensive protection measures in place, including specific provisions for the battlefield via the Rt. 1 Corridor and Brandywine Battlefield Overlay District. This overlay requires architecture compatible with existing historic resources/character and that new buildings are grouped to preserve natural and open areas, and scenic views. Pennsbury has a Historical Commission who address historic resources protection Township-wide via a Historic Resource Overlay. As well, R-1 district zoning has a focus on resource protection-oriented development options and open space development is to be designed to preserve historic and other resources. SLDO requirements address historic resources.

Figure 5-2b: Pennsbury Township Historic Resource Protection-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Township-wide Historic Resources protection Overlay with Historic Commission review/advice.</li> <li><input type="checkbox"/> Village Residential and Village Commercial Districts promote development that is compatible with the historic character of Fairville Village.</li> <li><input type="checkbox"/> Battlefield and Rt, 1 Corridor Overlay that promotes context-sensitive development as it relates to the battlefield landmark and other historic resources and landscapes along the corridor, including provides design guidelines for new construction.</li> <li><input type="checkbox"/> Multi-use District mixed use development promotes preservation of historical resources and landscapes.</li> <li><input type="checkbox"/> Additional density permitted for preservation and adaptive reuse of historic resources under Open Space Design Developments, and Battlefield Landmark is permitted as open space use.</li> <li><input type="checkbox"/> Additional uses for adaptive reuse of historic resources to encourage their preservation.</li> <li><input type="checkbox"/> Provisions for area and bulk modifications and design standards for historic resources.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Existing resource inventory includes historic resources.</li> <li><input type="checkbox"/> Historic Resource Impact Statement requirement.</li> <li><input type="checkbox"/> 4-step site sensitive approach including delineating and considering historic resources.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Chadds Ford Township Summary

**Policy:** Chadds Ford Township supports historic resources protection via its Comprehensive Plan where its guiding principles include: conserving heritage landscapes, maintain Chadds Ford Village as a distinctive place, protection of historic and cultural resources, and minimizing of disruption of scenic resources. The Open Space Plan specifically states conservation easements should be acquired for all governmentally owned properties and specifically noted Brandywine Battlefield Park. The Village of Chadds Ford Master Plan advances a vision to provide greater multi-modal connections while preserving the essence of the historic village.

**Historic Resources:** Chadds Ford Township is partially within the Brandywine Battlefield National Historic Landmark District. The Township shares State Boundary Markers Linear National Register District (Mason-Dixon/PA-DE Arc Stone Boundary Markers) with Pennsbury, Kennett and other state border municipalities including New Castle County, DE. Chadds Ford also shares Twin Bridges Rural National Register Historic District with Pennsbury Township. In addition to Twin Bridges, the Township contains the Chadds Ford National Register Historic District and several individual National Register properties. The Township is also a member of the Brandywine Valley Scenic Byway.

**Regulations:** The Township has extensive protection measures in place. The Historic District is an overlay that encompasses portions of the Township adjacent to Route 1 and Dilworthtown and has additional standards for all architectural features which can be seen from a public right-of-way. It further has provisions for additional uses that utilize resources in the R-1, Business, and Planned Business Center Districts. A HARB has also been established to advise the Board of Supervisors on approval of Certificates of Appropriateness for impacted resources. The Baltimore Pike Overlay (BPO) has additional standards for the protection of resources within view of the corridor. In SLDO historic resources are addressed as part of the environmental impact assessment report.

Figure 5-2d Chadds Ford Township Historic Resource Protection-related Policies Summary

DOCUMENT	CURRENT STANDARDS
Zoning	<ul style="list-style-type: none"> <li><input type="checkbox"/> Historic District preservation standards with HARB review.</li> <li><input type="checkbox"/> Additional uses for adaptive reuse of historic resources in the R-1, B, and BC Districts.</li> <li><input type="checkbox"/> Additional screening and other methods to mitigate impacts on historic resources with the BPO.</li> </ul>
Subdivision/Land Development (SLDO)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Resources identified and documented as part of an environmental impact assessment report.</li> </ul>
Official Map	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Township does not have an adopted official map.</li> </ul>

## Land Conservation & Historic Resource Protection Recommendations

Open rural and agrarian lands containing historic resources, interspersed with suburban residential and some commercial development, and coupled with rolling topography, characterize these battlefield landscapes; a character the communities and residents are working to maintain for future generations. While conserved lands vary in their type of protection and public access, they importantly provide environmental and cultural resource protection benefits to the community overall. Appreciable additional development cannot occur or is limited on these lands, and they have lower intensity uses. Likewise historic resource preservation, independently or preferably in concert with its historic setting and land conservation, serves to maintain the built environment segment of battlefield character that highly contributes to the overall distinctive Brandywine Valley sense of place. Preservation efforts speak to protection of the battlefield for future generations, the physical heritage setting, and overall themes of retaining still readable battle-era landscape areas (including Brandywine Valley settlement patterns, Quaker roots, role of the area in American history, and association with the story of the nation’s

founding). Lands and buildings have been preserved due to ongoing stewardship efforts by property owners, efforts by local entities to identify and support preservation opportunities, and local regulatory measures.

**Overarching Recommendation:** Future actions should be made with a focus on protection of KOCOA identified defining features, including battle-related lands and historic landscapes, and their interrelated historic structures.

## Land Conservation Recommendations

This plan recommends expanding on the successful land conservation that has occurred to date. This can occur by linking existing protected lands to form an interconnected network. Eastern battlefield communities all promote land conservation in their policy. Recommendations focus on landscape conservation intertwined with historic resources protection. Parties that may carry out a recommendation are listed after the related recommendation.

**Overarching Recommendation:** Lands within the battlefield overall and specifically contain or are near battle elements should be considered for conservation, or, if developed, for site responsive limited development. Lands within/near (½-mile width buffer) battle activity areas that also contain battle-era historic resources should be considered as the highest priority for conservation. The second highest priority are lands within/near (½-mile width buffer) battle activity without battle-era historic resources. Other lands within/near eastern battlefield Landscapes, particularly that contain battle-era historic resources, are the third highest priority for conservation. Land conservation tracts anywhere in/near the eastern battlefield serve as transition areas between this portion of the battlefield and possible future development and intrusion and are the fourth priority for conservation. (Landowners, BBTF, Land Trusts, Chester County Open Space/Parks Dept., Battlefield Townships)

- 5-1. Expand the role of municipal recreation committees and partner organizations to address land conservation or establish a separate advisory committee. This committee could identify and prioritize opportunities to protect land, including historic landscapes identified in this plan, and could coordinate with landowners, Historical Commissions, and land trusts and on projects that cross municipal lines.
- 5-2. Protect lands as part of a larger open space network that extends throughout the battlefield and continue to encourage land trusts, in coordination with BBTF, municipalities, and landowners, to be primary agents for land conservation in the battlefield. Creating larger total conserved land clusters simultaneously provides environmental benefits, protects battlefield landscape/rural character, and provides more competitive applications for funding opportunities. From the 1990s through the early 2000s, land trusts were able to garner funding to protect significant known battlefield properties. Since that time, information from 2010 Study, 2013 Plan, and Phase 1 and 2 projects has shown the extent of battlefield land coverage. Land trusts remain primary organizations with the experience and staff to pursue funding and undertake coordination.

Significant historic landscapes may be protected due to their obvious historic merit, but there are other lands in the battlefield without a specific battle-related story that help form a larger network to link key battlefield areas and display the battle-era landscape feel/setting. Eastern battlefield communities with success and experience in land conservation would benefit this larger effort. Municipalities can include information about available conservation options via their websites, newsletters, and mailings. (Land Trusts, BBTF, Landowners, Battlefield Municipalities, Chester County Parks & Preservation Dept.)

- 5-3. Protect smaller parcels to link larger conservation tracts. Going forward, many larger open lands in these Landscapes may either be protected or developed, leaving smaller lots available for conservation. Such lots are already beginning to become more of a conservation priority in/near villages and other developed settings. While the available acreage may be relatively minimal, the value of conservation may be significant due to historic resources or the ability to link existing protected lands. (Landowners, Land Trusts, Battlefield Municipalities, Chester County Parks & Preservation Dept.)

- 5-4. Promote and retain agriculture as an industry and historic land use in the battlefield. Municipalities can consider agricultural or rural conservation friendly zoning to help maintain farms, rural character, and battlefield lands. Agricultural land easements are another option to simultaneously provide funds for farms and preserve battlefield lands and their farming and use. (Battlefield Municipalities)
- 5-5. Revisit the Official Map/Ordinance in Thornbury and develop one in Birmingham, Westtown, Chadds Ford, and Pennsbury to address possible battlefield land conservation. Denote key battlefield lands for preservation using this plan’s information. (Battlefield Municipalities)
- 5-6. Publicize and celebrate land conservation efforts at Heritage Centers and other sites associated with the battlefield to publicly display the inherent relation between battlefield protection and land conservation. In the past, battlefield education efforts have focused on battle history or colonial-era topics. The history of land preservation over the last 40 years could also be presented to the public in this forum. Such publicity would celebrate the efforts of local landowners and entities, while providing information to the public about the multi-faceted benefits of land conservation. (CCPC, Battlefield Municipalities, Land Trusts)
- 5-7. Coordinate natural resource protection and battlefield land conservation. In the battlefield, natural feature areas and landforms still exist where battle action occurred and a battle-era setting. Thus, protecting natural features inherently serves to also protect battlefield areas. For example, waterways corridors, such as Brandywine Creek and its adjacent lands are themselves valuable natural resources worthy of protection, as is being done via Brandywine Creek Greenway planning. However, protecting the Creek corridor will not only protect natural habitat but features that influenced strategies employed by both armies during the battle. (Battlefield Municipalities)
- 5-8. Coordinate with natural resource organizations, like Brandywine Red Clay Alliance, on establishing programs that restore, maintain, and interpret natural features as key battlefield elements. Programs can discuss the importance of landforms and natural features in battle strategy and its outcome. For example, Brandywine Creek is a critical natural feature as an obstacle and key terrain as part of the Crown Force flank and American defense. (BBTF, Battlefield Municipalities, natural resource organizations)
- 5-9. Encourage landowners to manage sensitive natural resources on their property. Many protected properties in the battlefield are adjacent to lands that may never be protected. Lands, whether protected or unprotected and of varying sizes, can still be managed to promote quality environments. For example, native trees can be planted on a residential lot next to protected woodlands, extending the tree canopy while still yielding residential lawn area under the canopy. Likewise, stream banks on smaller private lots can be vegetated with trees or kept as seasonally mowed tall grass in a 5 to 15 foot-setback ‘low mow zone.’ (Battlefield Municipalities)
- 5-10. Update select 2013 Plan maps to include more recent possible conserved lands clusters. The 2013 Plan identified protected lands clusters in Eastern Column Landscape areas. Clusters could simultaneously serve to protect historic and natural resources and landscapes; a helpful combination for protecting battlefield features in whole and when seeking competitive conservation funding. (CCPC)

## Historic Resource Protection Recommendations

This plan recommends expanding on the successful historic resource protection that has occurred to date. Eastern battlefield municipalities promote historic resources protection policy, and the following recommendations build on this. These recommendations are to be used in concert with Chapter 4 built features recommendations. Parties that may carry out a recommendation are listed after the related recommendation.

**Overarching Recommendation:** Protect battle-era historic resources, particularly those identified (Chapter 4) as contributing to eastern battlefield Landscapes and within/near ½-mile width buffer or battle activity areas as a priority. Future actions should be made with a focus on protection of KOCOAs identified defining features, including battle-related historic structures and their associated contextual surrounding lands and historic landscapes. (Landowners, BBTF, Eastern Battlefield Townships)

- 5-11. Complete PA Historic Resource Survey Forms for historic resources identified in this plan. Plan analysis and information represents another step towards battle-era resources documentation. The next step is to document resources in a uniform manner on the PA Historic Resource Survey Form, including information in this plan and consistent with PHMC's Bureau of Historic Preservation (BHP) standards. This level of information provides a solid base for resource protection. (Battlefield Municipalities)
- 5-12. Continue to provide, and considering expanding, incentives for historic preservation and adaptive reuse. This is a critical tool for continued viable future use of historic structures. Adaptive reuse can preserve buildings that are an inherent part of battlefield character, but that no longer need their original use. Incentives can include additional uses, modification of requirements that older structures and lots often cannot meet, and additional density for historic preservation and reuse. (Battlefield Municipalities)
- 5-13. Revise resource impact statement/study provisions in Birmingham, Chadds Ford, Pennsbury, and Thornbury to identify and assess development impact specifically on the battlefield and its resources and add a resource impact study in Westtown. Such a requirement would make developers more aware of battlefield resources, and able to design their projects to accommodate preservation. (Battlefield Municipalities)
- 5-14. Investigate developing battlefield design guidelines via working through BBTF. Such an effort could help provide guidance for redevelopment, rehabilitation, reuse, infill, or new construction that preserves the character and scenic values of the Landscapes and battlefield overall. Such guidelines should be presented in a guidebook and consider preservation standards developed by the Secretary of the Interior. (BBTF, Battlefield Municipalities)
- 5-15. Consider applying for designation as Certified Local Government (CLG). The CLG program provides technical assistance and small grants to member municipalities for historic preservation related projects. In Pennsylvania, the program is administered by PHMC and a match is required CLG grants. Birmingham and Chadds Ford are a CLG and Pennsbury, Thornbury, and Westtown Townships should consider becoming designated. Municipalities apply directly to PHMC and information is on their website.
- 5-16. Encourage use of consistent or compatible historic resources ordinance definitions for in throughout the battlefield. This can be promoted via BBTF and its subcommittee and would require regulatory amendments by battlefield municipalities. (Battlefield Municipalities)
- 5-17. Retain battle-era roads in existing rural battlefield areas. When considering roadwork and development proposals, take into account the early road network, much of which still remains and some closely to as it was during the battle. These roads not only display the battle-era setting, but highly contribute to continuing rural community character and quality of life in still rural and agricultural portions of the battlefield. (Battlefield Municipalities)

## Combined Land Conservation & Historic Resource Protection Recommendations

The following recommendations cross both land conservation and historic resource protection. Parties that may carry out a recommendation are listed after the related recommendation.

- 5-18. Continue municipal participation in the regional planning BBTF and its subcommittees. BBTF provides a mechanism for regional planning including idea and information discussion and sharing across the 15 battlefield municipalities in addressing the common subject of battlefield outreach and protection. BBTF partners have implemented many successful projects, a critical part of which is having the support the larger battlefield region including residents and businesses. (Battlefield Municipalities, CCPC)
- 5-19. Incorporate protecting historic resources and their settings and preserving battlefield lands as open space and historic landscapes into municipal comprehensive planning and OSRER planning policy. These plans could prioritize identified Phase 3 tracts and resources, including maintaining battle-era rural roads. In particular, with the new understanding, via Phase 3, of the role of lands in the battlefield municipalities, municipal plans could reference this information when they are updated. (Battlefield Municipalities)
- 5-20. Implement greenway master planning that can serve the dual purpose of protecting battlefield lands and connecting historic resources and sites. There are many greenway initiatives, e.g. the multi-municipal Brandywine Creek Greenway (BCG) Plan, in addition to many other municipal efforts outlined in their respective comprehensive and/or open space plans. (Battlefield Municipalities, Brandywine Conservancy)
- 5-21. Consider battlefield land conservation and historic resource protection via battlefield zoning standards or an overlay. This would supplement current historic resources provisions to protect historic settings and lands, and work in concert with land conservation. Pennsbury and Thornbury have battlefield zoning overlays that should be consulted as examples of specific resource-based zoning. This would tie historic resources and landscapes protection together focusing on their interrelation, and in relation to proposed development or building activity. (Battlefield Municipalities)
- 5-22. Revisit open space design and lot averaging zoning provisions to include the battlefield and its KOCOAs identified lands and features, including landforms, historic buildings, archeological resources, and views as features to preserve as part of open space and open space uses. (Battlefield Municipalities)
- 5-23. Include language in conservation easements about the importance of being part of the battlefield and retaining battle-era historic resources as part of the conserved landscape. This could include requiring that historic resources are maintained or allowing an additional primary use in the historic resource to give opportunity for reuse and continued viability. Many older conservation easements allow for only one primary use on a conserved lot, which has created a situation where historic resources are jeopardy of not being used or maintained when a new building is constructed. Smaller lots for land conservation often include historic resources, which is a positive in public land conservation funding ranking. (Land Trusts)
- 5-24. Manage conserved lands in a manner that showcases the battlefield landscape, e.g. via preserving historic buildings and hedgerows. Conserved land from open space design development is often managed by a homeowners association (HOA), who may not understand they live in a battlefield setting. Development and conserved land can reinforce the battlefield setting via fencing, materials, and building scale and proportion that blend with colonial landscape features. (Battlefield Municipalities, Land Trusts, HOAs)
- 5-25. Include the battlefield and its KOCOAs identified lands, historic resources, and views as resources to consider in SLDO site analysis in land development design, and Historical Commission plan review. Identify such on plans, identify and protect as part of development review, and employ a site and context sensitive development. During pre-submission and sketch plan processes, use of site sensitive and open space design, particularly on larger historic properties, could be encouraged. (Battlefield Municipalities)