

E. Modification to Wetland and Riparian Buffer Standards **[Added by Ord. No. 2016-01]**

1. Subdivisions and land development applications

For any use or activity subject to subdivision or land development review, as part of the applicable plan submission, the Applicant may request modification(s) to the provisions of subsections B and D of this Section 1820. Requested modification(s) may be granted at the discretion of the Board of Supervisors pursuant the provisions of the Township Subdivision and Land Development Ordinance and of the Township Stormwater Management and Land Disturbance Ordinance.

2. Conditional use, special exception, or zoning variance

For any use or activity not subject to subdivision and land development review, but subject to application for approval of a conditional use, special exception, or zoning variance under the provisions of this Ordinance, as part of the approval process, the Applicant may request modification(s) to the provisions of subsections B and D of this Section 1820.

3. Other applications

For any use or activity not falling within the scope of subsections B and D of this Section 1820, the Applicant may request modification(s) to the provisions of subsections B and D of this Section 1820 in the form of an application for grant of a special exception by the Zoning Hearing Board.

4. Supporting information

Applicants shall provide appropriate documentation in support of their modification request, and the Board of Supervisors or Zoning Hearing Board (as applicable) may request additional documentation of an Applicant, or its municipal consultants, to help reach a decision.

5. Standards for approval of modifications

In considering approval of any Applicant request for modification(s) under this Section 1820(E), the following standards shall serve as the basis for a decision:

- a. That there are unique physical circumstances or conditions, including but not limited to irregularity, narrowness, or shallowness of lot size, excessive frontage along a Water Body,

presence of existing Structures, or exceptional topography or other physical conditions peculiar to the particular property.

- b. That because of the presence of physical circumstances or conditions described in subsection a. above, it is impracticable for the property to be developed in strict conformity with the buffer requirements of this Section 1820 and that the approval of the modification is therefore necessary to enable the reasonable use of the property for a use or activity permitted in the applicable Zoning District.
- c. That the modification, if approved, will result in the minimum reduction in performance of the standards set forth in subsections B and D of this Section 1820, as needed to provide for the lawful intended use.

6. Limitation on scope of modifications

Notwithstanding anything set forth in this Section 1820, no alteration to the standards set forth in subsection C of this Section 1820 may be approved, except pursuant to a variance granted by the Zoning Hearing Board.

SECTION 1821. FORESTRY AND TIMBER HARVESTING

A. Intent

The forestry and timber harvesting regulations contained in this Section are intended to accomplish the following goals:

1. Permit Forestry and Timber Harvest as uses by right in all zoning districts and all overlay districts established by this Ordinance. **[Added by Ord. No. 2019-05]**
2. Promote good forest stewardship and encourage the retention of the Township's Woodlands through Sustainable Forestry practices. **[Amended by Ord. No. 2019-05]**
3. Promote collaborative Woodland resource management efforts between the Township, private landowners, professional foresters, the Chester County Conservation District, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Department of

Conservation and Natural Resources' Bureau of Forestry. **[Added by Ord. No. 2019-05]**

4. Protect the rights of adjoining property owners and ensure the right to harvest trees is exercised with due regard for avoiding trespass on, or damage to, the property of adjacent landowners. **[Amended by Ord. No. 2019-05]**
5. Discern between the practice of Forestry or Silviculture and the clearing of Woodlands as part of a Conversion to Agricultural Activity and, in either event, minimize the potential for adverse environmental impacts caused thereby. **[Amended by Ord. No. 2019-05]**
6. Recognize the important ecological functions performed, and the important natural, recreational, and scenic values offered, by Woodlands in southeastern Pennsylvania where most of the land has been converted to agriculture and urban uses. In addition to economic values, Woodlands provide continuation of species diversity, provision of habitat for wildlife, maintenance of ground and surface water conditions, water filtration/regulation, soil retention, carbon sequestration, wood products, recreational opportunities, and enhancement of scenic views and aesthetic conditions within the Township. **[Amended by Ord. No. 2019-05]**
7. Ensure the Township citizens' right to clean air and pure water is protected, and to conserve within the Township the natural, scenic, historic and aesthetic values of the environment, consistent with the Unionville Area Regional Comprehensive Plan and the Chester County Comprehensive Plan and as guaranteed by Article I, Section 27, of the Pennsylvania Constitution. **[Added by Ord. No. 2019-05]**

B. Scope; Applicability

This Section shall apply to all Forestry and Timber Harvesting within the Township. Forestry, including Timber Harvesting, shall be a permitted use by right in all zoning districts according to the following procedures and standards. **[Amended by Ord. No. 2019-05]**

C. Definitions

As used in this Ordinance, the following terms shall have the meanings given to them herein. Defined terms used in this Section 1821 may also be found in other Sections of this Ordinance, including Sections 202 and 1820.

AREA PROPOSED FOR TIMBER HARVESTING

Any area of a property proposed for a Timber Harvesting Operation, including harvest areas, the construction of skid roads and trails, logging roads, log landing areas, points of access to highways and roads, and other similar logging or Silvicultural practices. **[Added by Ord. No. 2019-05]**

CAVITY TREE

A tree with cavities in which birds, mammals, or insects such as bees may nest (also called den tree). **[Added by Ord. No. 2019-05]**

CHRISTMAS TREES

An ornamental evergreen trees at least six (6) years old that are grown on managed plantations as a farm crop and sold as cut or B&B (balled and burlap) trees specifically for the Christmas season.

CLEAR CUTTING

A method of re-generating an even-aged Woodland Stand in which essentially all trees have been removed in one operation. Depending on forest management objectives, a clear-cut may or may not have reserve trees left to attain goals other than regeneration. **[Added by Ord. No. 2019-05]**

CONVERSION TO AGRICULTURAL ACTIVITY

The Clear Cutting of all or portion of Woodland for conversion of the area subject to Clear Cutting from Woodland to Agriculture. The clearing or uprooting of trees (i) that are dead (including tree stumps), are nearly dead due to natural aging or the existence of disease, rot or other damage, represent an imminent threat to public health or safety, or are Invasive Vegetation; or (ii) as part of routine Farm maintenance of Woodland edges, shall not constitute a Conversion to Agricultural Activity. **[Added by Ord. No. 2019-05]**

DIAMETER-LIMIT CUTTING

The harvest of all saleable trees above a certain diameter. **[Added by Ord. No. 2019-05]**

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree. **[Added by Ord. No. 2019-05]**

FELLING

The act of cutting a standard tree so that it falls to the ground.

FOREST BEST MANAGEMENT PRACTICES

Universally accepted activities that have positive effects or minimize negative effects on the forest ecosystem. **[Added by Ord. No. 2019-05]**

FOREST REGENERATION

The growth of a new forest, which includes not only the trees but also the other beneficial woody and herbaceous vegetation that contributes to the overall integrity, diversity, and health of the entire forest community and its interdependent ecological functions. **[Added by Ord. No. 2019-05]**

FOREST STEWARDSHIP PLAN

A plan which states a Landowner's goals for the applicable Woodland, documents the Woodland's present condition, lists recommendations, and describes the desired Woodland condition, or how the Woodland should look in the future. It should also consider the types and sizes of trees, wildlife habitat values, transportation layout for maintenance and harvesting, recreational opportunities, and financial returns. **[Added by Ord. No. 2019-05]**

GROUP SELECTION

A method of regenerating an uneven-aged Woodland Stand that removes trees in a number of 0.1- to 1-acre areas to create openings in the forest canopy. The larger the opening, the more likely that regeneration of sun-loving (shade intolerant) species will develop and persist in the openings. **[Added by Ord. No. 2019-05]**

IMPROVEMENT CUTTING

The removal of less desirable trees of any species in a Woodland Stand, primarily to improve composition and quality. **[Added by Ord. No. 2019-05]**

INTERMEDIATE TREATMENT

Any treatment or tending designed to enhance growth, quality, vigor, and composition of a Woodland Stand after establishment or regeneration and prior to commercial harvest. **[Added by Ord. No. 2019-05]**

LANDING

A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LANDOWNER

An individual, partnership, company, firm, association or corporation engaged in Timber Harvesting, including the agents, subcontractors, and employees thereof.

LITTER

Discarded items not naturally occurring on the site such as tires, oil cans, equipment parts, and other rubbish.

LOP

To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

NATURAL REGENERATION

The replacement of one Forest Stand by another through natural seeding or sprouting. **[Added by Ord. No. 2019-05]**

PROFESSIONAL FORESTER

A forester meeting one of the following requirements:

1. Possessing at least two years of technical forestry experience and an associate's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or similar course of study.
2. Possessing a bachelor's or master's degree in forest technology, forestry, forest management, forest ecosystem management, urban forestry, forest science, agroforestry, or similar course of study.
3. Possessing a bachelor's or master's degree in wildlife biology, botany, or plant ecology, and sufficiently trained in, or with sufficient knowledge of, collecting data, assessing it, then developing and implementing silvicultural prescriptions. **[Added by Ord. No. 2019-05]**

REGENERATION METHOD

A cutting method designed to promote and enhance natural establishment of trees. Even-aged stands are perpetuated by Seed Tree, Shelterwood and Clear Cutting methods. Uneven-aged stands are perpetuated by selecting individual or small groups of trees for removal. **[Added by Ord. No. 2019-05]**

SEASONALLY WET AREAS

Areas that have water at or near the surface only during periods of abundant rainfall or snow melt. **[Added by Ord. No. 2019-05]**

SEED TREE

A tree left standing for the sole or primary purpose of providing seed. **[Added by Ord. No. 2019-05]**

SELECTION CUTTING

A method of regenerating an uneven-aged Woodland Stand in which trees singly or in small groups are removed for the purpose of Natural Regeneration. A well-designed selection cutting removes trees of lesser quality and trees in all diameter classes along with merchantable and mature, high-quality timber. Group Selection and Single Tree Selection are types of Selection Cutting. **[Added by Ord. No. 2019-05]**

SELECTIVE CUTTING

The removal of high-quality trees based on a minimum diameter limit. **[Added by Ord. No. 2019-05]**

SHELTERWOOD

A method of regenerating an even-aged Woodland Stand in which a new age class develops beneath the moderated microenvironment provided by the residual trees. The sequence of treatments can include three distinct types of cuttings: 1) an optional preparatory cut to enhance conditions for seed production; 2) an establishment cut to prepare the seed bed and to create a new age class; and 3) a removal cut to release established regeneration from competition with the overwood. Cutting may be done uniformly throughout the Woodland Stand (Uniform Shelterwood), in groups or patches (Group Shelterwood), or in strips (Strip Shelterwood). **[Added by Ord. No. 2019-05]**

SINGLE TREE SELECTION

A method of regenerating an uneven-aged Woodland Stand that removes individually selected trees throughout all diameter classes, creating small gaps in the canopy to facilitate regeneration. **[Added by Ord. No. 2019-05]**

SKIDDING

Dragging trees on the ground from the stump to the Landing by any means.

SLASH

Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

STREAM

Any natural or artificial channel of conveyance for surface water with an annual or intermitted flow within a defined bed and banks.

SUSTAINABLE FORESTRY

Forestry practices that protect the health and longevity of a forest, permit profit from the production and sale of timber and other forest products, and balance the needs of the environment, wildlife, and forest communities. **[Added by Ord. No. 2019-05]**

TIMBER HARVEST OPERATOR

An individual, partnership, company, firm, association, or corporation engaged in timber harvesting, including the agents, subcontractors, and employees thereof.

TIMBER HARVESTING PLAN

A plan submitted in conformance with the provisions set forth in Subsection 1821(F) which describes, by means of text and maps, proposed actions involving the removal of trees from a Tract of land. Such plan shall have been prepared by a Professional Forester. **[Added by Ord. No. 2019-05]**

TOP

The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

TREE CUTTING

The felling of more than three trees with a DBH of 6" or greater within a concentrated area.

WOLF TREE

A large branchy tree that occupies more space in the forest than similar trees of the same diameter. Wolf trees may have high wildlife and aesthetic value but little, if any, timber value. **[Added by Ord. No. 2019-05]**

WOODLAND STAND

Any area of forest or Woodland vegetation whose site conditions, age, and species composition are sufficiently uniform to be distinguished from surrounding vegetation type and managed as a single unit. **[Amended by Ord. No. 2019-05]**

D. Permit Required

1. It shall be unlawful for any person to engage in Timber Harvesting on any Lot in the Township without first securing a Zoning Permit from the Township. Any person proposing to engage in Timber Harvesting on any Lot in the Township shall apply for a permit by written application on a form available from the Township. Such permit shall require the Applicant's agreement to comply with the regulations established in this Section. Failure of the Applicant to abide by such regulations shall be a violation of the provisions of this Ordinance. The application for the Zoning Permit shall be accompanied by any filing fee imposed by resolution of the Board of Supervisors. **[Amended by Ord. No. 2019-05]**
2. Applications for a Zoning Permit for Timber Harvesting shall be submitted to the Township for review of compliance with the standards for Timber

Harvesting operations set forth herein not less than forty-five (45) days prior to commencement of the Timber Harvesting operation. Within thirty (30) days of submission to the Township, a Timber Harvesting permit shall be issued if the applicant has met all of the requirements. If denied, the Township shall at the same time inform the Applicant of the plan or other deficiencies in order to help facilitate a permit application re-submittal. Failure of the Township to issue a zoning permit decision within thirty (30) days of receipt of a complete submission shall be deemed a zoning permit approval. **[Added by Ord. No. 2019-05]**

E. Permit Application Procedure

1. Timber Harvesting Plan

The application for a Timber Harvesting Zoning Permit shall be submitted to the Township Zoning Officer and accompanied by a Timber Harvesting Plan signed by a Professional Forester containing materials and/or documents consisting of both narrative and maps supplying the following: **[Amended by Ord. No. 2019-05]**

- a. An identification of the concerned property, the legal owners of the property, the mailing addresses of the Landowner and Timber Harvest Operator and phone numbers at which they can be reached during normal business hours. If not known prior to the submission of the application, the identity and contact information, including phone number for immediate contact, for the Timber Harvest Operator shall be provided to the Township no later than five days prior to the start of the Timber Harvesting covered by the approved Zoning Permit. **[Amended by Ord. No. 2019-05]**
- b. An existing features map, drawn to scale, with north arrow and a complete legend of all symbols used on the map, showing:
 - i. The property's location and boundaries as well as the Area Proposed for Timber Harvesting and showing existing improvements and features of the property and the area surrounding the site of the work. **[Amended by Ord. No. 2019-05]**
 - ii. General location of the Area Proposed for Timber Harvesting in relation to municipal and state highways, roads, and bridges, including any weight limits, if posted by the Township, locations of ingress and egress to the

public road system, and haul routes to be used through the Township; **[Added by Ord. No. 2019-05]**

- iii. Existing Watercourses (including identifying any with Special Protection Waters status), Water Bodies, Floodplains, Wetlands, Riparian Buffer Zones, and Rare Species Sites within the Area Proposed for Timber Harvesting; **[Added by Ord. No. 2019-05]** and
 - iv. A topographical survey of the site and immediate surrounding areas depicting topographic features, at a suitable scale of no less than one inch equals 50 feet and contour intervals of no more than two feet, prepared by a registered surveyor or registered engineer, including a boundary line survey, including identification of any and all Steep Slopes and Prohibitive Slopes, vegetative cover, soil types and other pertinent existing improvements or natural features within the Area Proposed for Timber Harvesting. Topography may be based on the United States Geological Survey Topographic Maps, or topographic maps produced by the Chester County Planning Commission for the application property and immediate surrounding area. **[Amended by Ord. No. 2019-05]**
- c. A logging plan for the proposed Timber Harvesting Operation, which includes the following:
- i. The Area Proposed for Timber Harvesting within the property, and a description of the planned Timber Harvesting Operation. **[Amended by Ord. No. 2019-05]**
 - ii. A Soil Erosion and Sedimentation Control Plan in compliance with the Township's regulations and requirements, together with an analysis of the soil erosion likely to occur as a result of the planned Timber Harvesting Operation and a description of the counter-erosion measures that will be utilized, including the location and description of the protective fencing for areas which will not be harvested.
 - iii. Location, design, construction, maintenance, and retirement of the access system, including haul roads, skid roads and trails, Landings, and temporary points of access

to municipal or state roads. **[Amended by Ord. No. 2019-05]**

- iv. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; **[Added by Ord. No. 2019-05]**
 - v. Location, design, construction, and maintenance of any proposed crossings of any Watercourses, Wetlands, Riparian Buffers, or Seasonally Wet Areas. **[Added by Ord. No. 2019-05]**
 - vi. The proposed routes for vehicles carrying equipment, supplies or forestry products which travel to and from the site on municipal or state roads within the Township, and a table of all equipment and their weights that will be transported to the site on public roads for use in the Timber Harvesting Operation.
- d. The existing features plan and the logging plan can be combined as a single drawing, provided all required information for each plan is clearly shown. **[Added by Ord. No. 2019-05]**
- e. The existing features plan and logging plan shall address and comply with the requirements of all applicable State and Federal laws and regulations and shall include copies of any permits or licenses required thereby, subject to, but not limited by, the following: **[Added by Ord. No. 2019-05]**
- i. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. Section 691.1 et seq.):
 - A. A Timber Harvesting Erosion and Sedimentation Control Plan for the proposed timber harvest submitted for review to the Chester County Conservation District, or prepared with the assistance of the Conservation District, or the Pennsylvania Department of Environmental Protection may be submitted to satisfy the requirements of Sections 1821(E)(1)(b) and 1821(E)(1)(c) and this Section 1821(E)(1)(e)(i).

B. Where Timber Harvesting is proposed as a Conversion to Agricultural Activity covered under PA Title 25, Chapter 102 Erosion and Sedimentation Control, an Agricultural Erosion & Sedimentation Control Plan, or Farm Conservation Plan, submitted to the Chester County Conservation District may be submitted to satisfy the requirements of Sections 1821(E)(1)(b) and 1821(E)(1)(c) and this Section 1821(E)(1)(e)(i).

ii. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Sect. 693.1 et seq.).

2. Plan for Forest Regeneration

Except for Timber Harvesting conducted as part of a Conversion to Agricultural Activity, the Timber Harvesting Plan shall include a description of the proposed Regeneration Method to be used for the Area Proposed for Timber Harvest. Regeneration Methods include, but are not necessarily limited to, Selection Cutting (including Single Tree Selection and Group Selection), Shelterwood, Seed Tree, and Clear Cutting. **[Added by Ord. No. 2019-05]**

a. The following considerations should be part of any proposed regeneration cut:

i. Abundant advanced regeneration (seedlings and sprouts) should be present on the forest floor, or there should be ample seed in the Litter that can germinate after the overstory is removed;

ii. Seedlings and sprouts should be well-distributed;

iii. Seedlings should be non-invasive species that can grow into trees;

iv. Vegetation that will inhibit the growth and development of seedlings and sprouts should be controlled;

v. Seedlings and sprouts should be protected from over-browsing by white-tailed deer and other fauna.

- b. The Forest Regeneration plan shall be prepared by the Professional Forester and can take one of the following three forms selected by the Zoning Permit Applicant: **[Added by Ord. No. 2019-05]**
- i. A completed Treatment Unit Sustainability Assessment Form (TUSAF) of the Pennsylvania Sustainability Forestry Initiative Implementation Committee for the Area Proposed for Timber Harvest that provides an analysis of the trees to be cut and regeneration potential, accompanied by a letter from the PADCNR Bureau of Forestry Service Forester accepting the TUSAF, including any accepted recommendations and terms of the TUSAF;
or
 - ii. In lieu of a completed TUSAF and accompanying a Service Forester letter, an explanation of how regeneration within the Area Proposed For Timber Harvesting will be successfully accomplished and maintained, based on the following analysis:
 - A. Assess advanced regeneration, seed sources for postharvest regeneration, and potential stump and root sprouting;
 - B. Assess, and if necessary, control competing vegetation such as ferns, grasses, Invasive Vegetation, and other undesirable understory tree and shrub species;
 - C. Assess, and if necessary, control the potential loss of seed, seedlings, and sprouts to deer and other wildlife.
 - iii. A Woodland reforestation plan that:
 - A. details the preparation and replanting of the logged area with native trees and other understory vegetation, and the methods to be employed to ensure these plantings' long-term survival;
 - B. includes a schedule for plan implementation; and
 - C. identifies the responsible parties.

3. Selected Forest Best Management Practices

The Timber Harvesting Plan shall include a listing and description of the selected Forest Best Management Practices to be employed during and after the Timber Harvesting Operation. **[Added by Ord. No. 2019-05]**

4. Forest Stewardship Plan.

Any Landowner whose Timber Harvesting is being conducted consistent with a Forest Stewardship Plan should include a copy of that plan with the Zoning Permit application to aid the Zoning Officer's understanding of the Landowner's forest management objectives. **[Added by Ord. No. 2019-05]**

5. A separate application shall be required for each permit. Three copies of all plan documents referred to in this Section shall be submitted with each application, one of which, at the discretion of the Zoning Officer or Township Engineer, shall be submitted to the Chester County Conservation District for review and comment.

F. Requirements Applicable to All Timber Harvesting Applicants

The following regulations shall apply to all Forestry and Timber Harvesting Operations in the Township.

1. A Timber Harvesting Plan proposing any crossing of Watercourse or Wetlands or otherwise obstructing or encroaching any Watercourse during the harvesting operations must identify any and all required permits, plans, and approvals required by the Pennsylvania Department of Environmental Protection, Chester County Conservation District, or the United States Army Corps of Engineers. Copies of any and all approved permits, plans, and approvals shall be provided to the Township upon receiving such approval. **[Added by Ord. No. 2019-05]**
2. Timber Harvesting proposed on any Steep Slope must provide an explanation of the erosion and sediment control Best Management Practices to be employed on the Steep Slope, the reasons for harvesting on the Steep Slope, and method for retrieving the logs that are felled on the Steep Slope. **[Added by Ord. No. 2019-05]**
3. A Timber Harvesting Plan proposing to engage in Timber Harvesting activities within a Floodplain, Riparian Buffer Zone, Wetland, or Seasonally Wet Area, shall include a description of the Best Management Practices required and to be implemented for the activity under both an Erosion and Sedimentation Control Plan and pursuant to Title 25, Pennsylvania Code,

Chapter 105, Dam Safety and Waterway Management regulations.
[Added by Ord. No. 2019-05]

4. Boundaries of the property proposed for Timber Harvesting, the area proposed for Timber Harvesting, and the trees to be harvested shall be clearly demarcated in the field no more than seven (7) days after the Timber Harvesting Plan has been filed with the Township for approval. Trees selected to be harvested shall be marked with two (2) painted slash marks, one (1) at eye level and other on the stump to remain. [Added by Ord. No. 2019-05]
5. Upon issuance of the Zoning Permit: [Added by Ord. No. 2019-05]
 - a. The provisions of the approved Timber Harvesting Plan shall be followed or observed throughout the Timber Harvesting Operation, and the Plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request;
 - b. The Township shall be notified of the work start date no later than five (5) days prior to the commencement of the Timber Harvesting, and the work stop date no later than five (5) days prior to the expected completion of the Timber Harvesting.
6. In addition to those Forest Best Management Practices selected by a Landowner or Timber Harvest Operator, the following minimum acceptable standards shall apply to all Timber Harvesting: [Added by Ord. No. 2019-05]
 - a. Diameter-Limit Cutting and Selective Cutting shall be prohibited.
 - b. Within Prohibitive Slopes, Wetlands and Riparian Buffer Zones Clear Cutting shall be prohibited.
 - c. No Timber Harvesting shall be permitted within any Inner Riparian Buffer. Timber Harvesting permitted within any Outer Riparian Buffer shall retain fifty (50) percent of the deciduous tree canopy as a Best Management Practice preventing an increase in water and ground surface temperatures and continuing to supply sufficient organic matter to the adjoining Watercourse or Wetland.
 - d. Felling and Skidding shall be undertaken in a manner which minimizes damage to trees or other vegetation or natural habitat not intended to be harvested. Reduced-Impact logging techniques shall be implemented, including using bumper trees, exercising

special care when harvesting trees during the growing season (between April and August), and avoiding Wolf Trees and Cavity Trees.

- e. Felling or Skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the public road.
- f. No Tops or Slash shall be left within twenty-five (25) feet of any public road or property line. **[Amended by Ord. No. 2019-05]**
- g. All Tops and Slash located between twenty five (25) and fifty (50) feet of a public road or property line shall be Lopped to a maximum height of four (4) feet or less above the surface of the ground. The burning of Slash or Litter shall be prohibited. **[Amended by Ord. No. 2019-05]**
- h. Litter resulting from the Timber Harvesting Operation shall be removed from the property at least once a week.
- i. All holes and ruts created in the course of any Timber Harvesting Operation shall be filled to grade with soil. **[Amended by Ord. No. 2019-05]**
- j. When clearing trees as part of a Conversion to Agricultural Activity, no Slash, Tops, harvested trees, or root balls (stumps) shall be stockpiled against or within a Riparian Buffer Zone, except for windrows shown on a Soil Erosion and Sedimentation Control Plan reviewed by the Chester County Conservation District. **[Added by Ord. No. 2019-05]**
- k. Soils within the Area Proposed for Timber Harvesting shall not be contaminated with fuels, lubricants, and other chemicals, and all man-made debris, including tires, oil cans, equipment parts, and other rubbish, resulting from a Timber Harvesting Operation shall be cleaned up daily and removed when the site is permanently vacated by the Timber Harvest Operator. **[Added by Ord. No. 2019-05]**
- l. The total number of trees over any four-year period may not exceed fifty percent (50%) of the total basal area per acre in interior areas other than those described in Subsection m below.

- m. In areas within fifty (50) feet of Lot boundaries, the total number of trees harvested over any four-year period may not exceed forty percent (40%) of the total basal area per acre in such area. Moreover, harvesting in these boundary areas may not be undertaken in such a manner as to concentrate most or all of the Timber Harvesting in portions of such boundary areas, if the result thereof would be the harvesting of more than 40% of the trees in such portions.
- n. The requirements of Section 1822 (“Conservation of Trees and Natural Resources”) shall apply to any permissible Forestry or Timber Harvesting operation, except where any such requirements are expressly contrary to the provisions of this Section 1821.

G. Permit application review and approval; Inspection; Permit fees

- 1. The Board of Supervisors shall by resolution establish a schedule of fees for all permit applications required by this Section 1821. The required fee shall be submitted with the application which shall not be considered for approval until the application fee is paid.
- 2. The Township Engineer shall review the Applicant’s Permit application, together with all plans, surveys, schedules, design criteria and other documents submitted or required to be submitted as part of the permit application procedure, together with any and all amendments thereto, and shall prepare a report of his findings and recommendations with respect to same for the Township as he shall determine necessary prior to the issuance of any Permit or Permits. In consideration of any request for a Timber Harvesting Zoning Permit or compliance therewith, the Township may engage the services of a Professional Forester. The cost of all such plan reviews, reports, and inspections on behalf of the Township by any professional or consultant, including the Township Engineer or Professional Forester shall be borne by the Applicant. In addition, the Township may seek at its cost the review and comments on portions of the Zoning Permit application for Timber Harvesting from the Chester County Conservation District and/or the Pennsylvania Department of Conservation and Natural Resources’ Bureau of Forestry Services. When received within the 30-day Zoning Permit application review/approval period, the Township shall share any written comments by the County or Bureau of Forestry with the applicant in an effort to satisfactorily address any identified issues. **[Amended by Ord. No. 2019-05]**
- 3. To ensure payment of all review and inspection fees, at the time of application, the Applicant shall deposit with the Township a sum sufficient

to cover the costs of such plan review, together with the cost of any inspections by the Township Engineer. The Board of Supervisors may establish a schedule of necessary deposits in conjunction with any application. Payments for the cost of all plan reviews and inspections over the amount of deposit at any time shall be made by the Applicant within 30 days of billing by the Township. The cost of all plan reviews and inspections made by the Township Engineer shall be at the rate regularly billed to the Township by such Engineer.

4. If the Applicant has paid a fee under any other Township Ordinance which is applicable to the requirements of this Section 1821, such as the Subdivision and Land Development Ordinance, the Township may waive any and all of the fees under this Section 1821 as it determines to be equitable.
5. The Township Zoning Officer shall approve and issue all permits in written form, and no work shall commence without the issuance of such approval.

H. Revocation or suspension of permit

Any permit issued under this Section may be revoked or suspended by the Board of Supervisors of the Township, after notice to the permit holder for:

1. Failure to comply with the terms of this Section.
2. A violation of any condition of the permit.
3. Violation of any provision of this Section or any other applicable law, Ordinance, rule or regulation relating to the Forestry or Timber Harvesting operation.
4. Existence of any condition on the property or the doing of any act which constitutes or creates a nuisance, hazard or endangers human safety or the property of others.

I. Responsibility for road maintenance and repair; road bonding.

The Landowner and the Timber Harvest Operator shall be responsible for repairing any damage to Township roads caused by traffic associated with a Forestry or Timber Harvesting Operation. Pursuant to 67 Pennsylvania Code, Chapter 189, the Landowner or Timber Harvest Operator may be required to furnish a bond in an amount determined by the Township Engineer to guarantee the repair of such damages.

J. Inspections/Remedies.

The Township and its agents may go upon the property where any Forestry or Timber Harvesting operation is occurring to determine if the requirements of this Section and of the Zoning Permit, including conditions thereof, or to the plans and specifications submitted with the permit application, including modifications thereof, or to the approved runoff and erosion control plan, are being followed. If the Township determines that the Landowner or Timber Harvest Operator are not complying with any of the above, the Township shall send a written notice to the permittee, which notice shall set forth the nature of corrections required and the time within which corrections shall be made. If the permittee fails to comply with the notice in the time specified, the permittee shall be considered in violation of this Section, in which case the Township is entitled to seek all appropriate remedies, including enforcement procedures.

K. Relation to Subdivision, Land Development, Stormwater Management and Land Disturbance Ordinances

- a. Timber Harvesting permitted by the Township under this Section remains subject to any applicable State or Federal laws, regulations and permit requirements. The requirements of this Section 1821 shall be in addition to rather than in substitution of those provisions of the Township Subdivision and Land Development Ordinance and of the Township Stormwater Management and Land Disturbance Ordinance relating to storm and surface drainage and stormwater management, grading and erosion control and stormwater management criteria.
- b. Where Felling or Tree Cutting activities are proposed or contemplated to be conducted in conjunction with or in anticipation of an existing or future subdivision or land development, regulated under the provisions of this Ordinance or the Township Subdivision and Land Development Ordinance, all such activities shall conform with the requirements of Section 1822 and, if applicable, Section 1820 of this Ordinance and the applicable requirements of the Subdivision and Land Development Ordinance.

SECTION 1822 CONSERVATION OF TREES AND NATURAL RESOURCES**A. Intent [Added by Ord. No. 2019-05]**

The following natural resource conservation standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes.

1. Define and delineate selected natural resources within the Township and establish resource conservation standards to assist the Township in reducing the impact proposed uses will have on the environment.
2. Preserve and protect areas which are naturally unsuitable for Development or which provide valuable wildlife habitat, including stream valleys, Woodlands, Specimen Trees, Forest Interior Habitat, and Rare Species Sites.
3. Promote protection of local watersheds and critical aquifers, and the quality of groundwater and streams within the Township.
4. To ensure the Township's citizens' right to clean air and pure water is protected, and to conserve the natural, scenic, historic and aesthetic values of the environment as guaranteed by Article I, Section 27, of the Pennsylvania Constitution.

B. Scope; Applicability

1. This Section shall apply to all Zoning Districts within the Township. All natural resources subject to regulation in this Section 1822 shall be surveyed and located and shown by size and type when any of the following Township submissions, reviews and approvals are required and where Land Disturbance is contemplated: **[Amended by Ord. No. 2019-05]**
 - a. Zoning, subdivision, development, demolition and land disturbance Permits;
 - b. Preliminary and Final subdivision and land development plans;
 - c. Conditional Use applications; and
 - d. Variances and Special Exceptions with implications for such natural resources.