This chapter provides an overview and recommendations for southern battlefield municipal\textsuperscript{1} 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\textsuperscript{2}. The farming tradition continues to this day, preserving many of the colonial-era farmsteads. Within these Landscapes, much of that landscape remains intact. The battlefield and larger Brandywine Valley region are fortunate to have municipal governments that promote open space 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.

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

\textsuperscript{1} As the Approach Landscape just touches on Avondale Borough, protection policy and measures are not covered for Avondale.
\textsuperscript{2} See Chapter 2 in the 2013 Plan for more information.
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 Trust, have been active in the southern battlefield with land conservation.

Land Conservation Policy & Analysis

Given Kennett Square is a Borough with a town development pattern, land conservation measures in the Borough are not covered in this discussion. However, the Borough contains around 50 acres of open space and parklands, which should be taken into account for regional open space connectivity purposes.

East Marlborough Township Summary

East Marlborough Township, where the Lower Flank Northern Column Landscape and a portion of Eastern Column Advance Landscape is located, supports open space, greenways, and land conservation in Township policy. Crown Forces under the command of Gen’l Cornwallis marched through the Township the day of battle as part of the 9,000 strong flanking march, including skirmishing with American patrols. Crown Forces under Gen’l Knyphausen marched in the Township as a part of the eastern advance the day of battle. Today, the general Northern Column Landscape area in East Marlborough has a mix of suburban and institutional development and rural and agrarian tracts, many of which are preserved, while the general Eastern Column Landscape area is developed with mostly commercial uses.

Policy: Township planning policy guides land conservation, including the Unionville Area Regional Comprehensive Plan (in conjunction with West Marlborough and Newlin Townships) and an Open Space, Recreation, and Environmental Resources Plan (OSRER), which is being updated in 2019/20. Landowners have a strong commitment to maintaining and fostering agriculture as displayed via lands enrolled in Agricultural Security Areas. The Township is working toward interconnected greenways, open space, park, and nature preserve system as promoted by the OSRER Plan. The Township also has municipal land conservation funding in place.

Regulations: The Township has a variety of land conversation standards in place (Figure 5-1a). Development patterns reflect zones from east to west becoming more rural, leaving western areas as largely rural, natural, and agricultural areas that are mostly protected lands. Agricultural-Preservation (AP) district zoning, which comprises much of the western Township, focuses on retention of farming/farm tracts and larger rural land tracts through agricultural zoning. In R-B Residential district zoning, which comprises much of the eastern Township, land conservation can occur during development via lot averaging and open space design options. The southeastern portion of the Township, through which the eastern advance traversed, falls in developed areas along Baltimore Pike, as reflected in higher density and mixed-use zoning.
Efforts: Land conservation efforts have been successful, with over one-third of the Township in conserved lands (including parklands, preserves, woodlands, trails, eased lands, land development open spaces, farms, and quasi-public lands such as school or recreation grounds). Around 390 acres are land development open space and around 90 acres are Township parklands. Additionally, approximately 3,050 acres have been partially or wholly protected through conservation or agricultural easements. There are also many tracts under PA Acts 515 and 319.

Pennsberry Township Summary

Pennsberry Township, where a portion of Eastern Column Advance Landscape is located, supports open space, greenways, land conservation, and preservation, and Brandywine Battlefield and its National Historic Landmark, in Township policy. Crown Forces under the command of Gen’l Knyphausen marched through the Township and skirmished with American Forces the day of the battle. Today, the general Eastern Column Landscape area in Pennsberry has a mix of suburban development, lower density development including along Baltimore Pike, and rural and agrarian tracts (particularly the Crown Force Baggage Supply Train area), 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 Rt. 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: The Township has various land conversation standards in place (Figure 5-1b). Regulations direct development to certain areas, thus promoting rural, natural, and agricultural areas to remain. Zoning employs open space design development to address lands and resources to be preserved during land development. Lower density R-1 district zoning comprises most of the Township, and land conservation can be accomplished during land development through the open space design option. Importantly, zoning contains a Rt. 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.

Efforts: Land conservation efforts have been successful with about one-third of the Township in conserved lands. Around 232 acres are land development open space, and around 130 acres are Township open space and parklands. Additionally, approximately 1,680 acres have been partially or wholly protected through conservation or agricultural easements. There are also many tracts under PA Acts 515 and 319.
Kennett Township Summary

Kennett Township, where portions of Eastern Column Advance, Encampment, and Approach Landscapes are located, supports open space, greenways, land conservation, and preservation, and Brandywine Battlefield and its National Historic Landmark, in Township policy. Policy also supports 2013 Plan implementation. Crown Forces under the command of Gen’l Knypheusen camped overnight and then marched through the Township having several skirmishes with American Forces the day of the battle, while Crown Forces under the command of Gen’l Cornwallis made a difficult uncharted trek north from DE through the Township to their encampment destination around Kennett Square. Today, the general Eastern Column Advance Landscape area is partly open land as part of Longwood Gardens, while Encampment and Approach Landscapes are a mix of medium- and lower-density suburban development and rural and agrarian tracts, some of which are preserved lands.

Policy: Township planning policy is supportive of land conservation, including a Comprehensive Plan, a joint Parks, Recreation, and Open Space Plan (PROS) in conjunction with Kennett Square, and an official map. The Township has a Land Conservation Advisory Committee, and municipal land conservation funding in place.

Regulations: The Township has various land conversation standards in place (Figure 5-1c). Regulations direct most development around Kennett Square Borough, thus promoting rural, natural, and agricultural areas to remain. Landscapes encompass several zoning districts. Areas near the Borough and both Hamorton and Mendenhall villages have higher density zoning with a mix of uses, while outlying areas are mostly R-1 and R-2 Residential district zoning that employ lower development densities and open space design development. The Township zoning ordinance update is to include Cultural Conservation district zoning to recognize open lands and cultural resources and amenities; this overlaps with parts of Encampment and Eastern Column Landscapes.

Efforts: Land conservation efforts have yielded over one-fifth of the Township in conserved lands. Around 760 acres are land development open space, and around 330 acres are Township open space and parklands. Additionally, approximately 830 acres have been partially or wholly protected through conservation easements. There are also many tracts under PA Acts 515 and 319.
New Garden Township Summary

New Garden Township, where a portion of the Approach Landscape is located, supports open space, greenways, land conservation, and preservation in Township policy and implementation of the 2013 Plan and battlefield strategic landscapes planning. Today, the general Approach Landscape area is a mix of commercial development, particularly along Baltimore and Gap-Newport Pike, residential development, and rural and agrarian tracts, many of which are not preserved.

Policy: Township planning policy is supportive of land conservation, including a Comprehensive Plan, Greenways Plan, and an official map. The Greenways Plan proposes an interconnected greenway network of township-owned lands, parks, schools, public open space, and other destinations. The Township has an Open Space Review Board, and municipal land conservation funding in place.

Regulations: The Township has various land conversation standards in place (Figure 5-1d). Regulations direct most development to the southeastern and northern parts of the Township, thus allowing rural, natural, and agricultural areas to remain The Landscape encompass several zoning districts. Areas along and north of Baltimore Pike and in the vicinity of eastern and western Gap-Newport Pike have higher density zoning with a mix of uses, while outlying areas are mostly R-1 Residential district zoning that employs open space design development and lot averaging.

Efforts: Land conservation efforts have yielded one-seventh of the Township in conserved lands. Around 450 acres are land development open space, and around 725 acres are Township open space and parklands. Additionally, approximately 740 acres have been partially or wholly protected through conservation or agricultural easements. There are also many tracts under PA Acts 515 and 319.

Southern 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, such as Meetinghouse Rd. Corridor in Birmingham Township. There has been less focus on troop marching corridors and battle tactical staging and skirmish areas, such as southern battlefield landscapes (as well as northern battlefield landscapes1). This is somewhat expected as until the 2010 Study, these areas were not given adequate consideration as part of the battlefield, much less as areas where battlefield protection efforts should be focused. However, it is now understood via strategic landscapes planning that military tactics developed and activities taken in these areas are a key part of the battlefield and critical to setting up the combat/engagement actions that occurred in the eastern battlefield on Sept 11, 1777.

1 See Northern Battlefield Strategic Landscapes Plans for Marshallton, Trimble’s Ford/Jeffers’ Ford, and Sconnelltown/Strode’s Mill.

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

<table>
<thead>
<tr>
<th>DOCUMENT</th>
<th>CURRENT STANDARDS</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>❑ Open Space Design, open space preservation during development, &amp; lot averaging in several districts.</td>
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<tr>
<td></td>
<td>❑ Agricultural/horticultural uses permitted in several zones.</td>
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<td></td>
<td>❑ Net-out of constrained lands from open space and development calculations</td>
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<td></td>
<td>❑ Natural resource protection provisions.</td>
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<tr>
<td>Subdivision/Land Development (SLDO)</td>
<td>❑ Resources prioritization &amp; locations to reflect Greenways Plan and Phelps Property Plan</td>
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<td></td>
<td>❑ Site analysis plan and four-step site responsive development under residential cluster/open space development design</td>
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<td></td>
<td>❑ Fee-in-lieu of a development providing recreation areas.</td>
</tr>
<tr>
<td>Official Map</td>
<td>❑ Official map in part to provide for community recreation, trails, and open space.</td>
</tr>
</tbody>
</table>
2013 Plan Analysis
The 2013 Plan takes the next step to assess the battlefield and its strategic landscapes as to existing, and potential for, land conservation. Map 2.9 from the 2013 Plan is included here to show the broader context of how the southern battlefield fits into overall battlefield land protection. Although development has occurred in southern battlefield landscapes, the map shows there are unprotected lands in close proximity to protected lands and developed open grounds, particularly in the ‘Old Kennett Meetinghouse Cluster’ and ‘Baggage Train Cluster’ as well as in northern East Marlborough Township. As also discussed in other parts of this plan, battle assumptions available at the time of the 2013 Plan had discounted battle events in the latter area, and, for this reason, no potential land conservation cluster was examined.

This Plan’s Updated Analysis
There remains potential to protect and link lands to create clusters of conserved lands in the southern battlefield, and southern 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 (including corrected troop marching routes), 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 many farmlands and undeveloped lands well-suited for conservation.

This plan’s analysis supplements 2013 Plan mapping and recommendations by identifying additional possible land conservation tracts. Mapping shows tracts recommended as well-suited for possible preservation from 2013 Plan

1 Developed open grounds are mostly institutional uses with significant open lands, e.g. schools, County uses, golf courses, Longwood Gardens, etc.
mapping analysis and additional recommended tracts from this plan’s detailed analysis. Updated 2013 Plan mapping (Map 5-1) shows currently protected lands and lands for possible future protection in today’s setting. Some of the additionally identified tracts contain battle-era historic resources and associated lands (Chapter 4), acknowledging founding local families and those who had a part in the outcome of American history and founding of the nation. Using established 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 individuals/families properties, are also identified in this plan’s updated mapping. Mapping also shows tracts that are in proximity to troop and baggage column 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, Chester County including the battlefield 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 (Map 4-1) that highly contribute to completing the picture of 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 18th 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. Southern battlefield municipalities provide support for historic preservation as evidenced through their policies and regulations discussed below. These communities are members of Brandywine Battlefield Task Force (BBTF) and have representatives on BBTF’s historic resources/interpretation subcommittee who is actively and successfully implementing 2013 Plan, Phase 1, and Phase 2 heritage interpretation recommendations. Southern 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 a property owner’s stewardship and willingness to maintain and continue the viability of their historic structures for future generations. Like land conservation, preservation of historic resources has been significant in the battlefield. Land conservation and historic resource preservation, particularly on larger parcels in the battlefield, have tended to go ‘hand-in-hand’ in part due to the battlefield remaining home to many descendents of original colonists, who continue to be stewards of their lands and historic structures as part of their cultural heritage. More broadly, many individual 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.

Like land conservation, 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 fifteen battlefield municipalities have adopted provisions in their zoning and subdivision ordinances that encourage historic resources protection and adaptive reuse, and that regulate demolition. In Chester County, this often takes the form of a historic resource zoning 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 overlay zoning is often employed in situations where there is not a sufficient concentration of resources to form a historic district. This tool is flexible and usually employed municipal-wide.

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1 Updated with current parcels, protected lands, roads, and other relevant information since 2013.
Likewise, the Subdivision and Land Development Ordinance (SLDO) often includes provisions requiring identification of historic resources on plans, and 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, a key first step has been taken in acknowledging the importance of the area’s 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**

**East Marlborough Township Summary**

**Policy:** East Marlborough supports historic resources protection policy. The Unionville Area Regional Comprehensive Plan (completed in conjunction with West Marlborough and Newlin Townships) states historic preservation as being of prime importance to the region as a whole. It specifically recommends the development of educational materials for residents to better understand historical resources/context, as well as incorporation of regulations that incentivize preservation as part of new development and redevelopment. The Township is 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 and its resources.

**Historic Resources:** East Marlborough shares Longwood Gardens National Register Historic District with Kennett and Pennsbury Townships, with the vast majority of the district in East Marlborough. It also shares Green Valley and Marlborough Village National Register Historic Districts with Newlin Township. The Township contains Unionville Village National Register Historic District, a few individual National Register properties, and a National Historic Landmark, Cedarcroft. East Marlborough also has many other historic resources as shown on its Historic Resources list and map.

**Regulations:** The 2013 Plan’s examination of battlefield municipalities’ historic resource protection measures indicates that East Marlborough has extensive protection measures in place. East Marlborough has a Historical Commission who reviews projects impacting historic resources Township-wide via a Scenic, Historic and Cultural Resources Overlay with Historic Commission review.

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<tr>
<th>DOCUMENT</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>- Additional uses for larger historic structures in Village Commercial and Willowdale Multiple Use districts.</td>
</tr>
<tr>
<td></td>
<td>- Act 167 Historic District (H) for Unionville Village Historic District with a HARB reviewing Certificates of Appropriateness for projects impacting historic resources in district.</td>
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<td></td>
<td>- Township-wide preservation of Historic and Cultural Resources standards via Scenic, Historic and Cultural Resources Overlay with Historic Commission review.</td>
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<td></td>
<td>- In general regulation, protection of environmental trust resources to minimize or avoid adverse impact on resources to implement PA Constitution Article I, § 27, including for trust resource impact assessment.</td>
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<td></td>
<td>- Historic specimen tree protection as part of development review.</td>
</tr>
<tr>
<td>Subdivision/Land Development (SLDO)</td>
<td>- Historic resources are not addressed</td>
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</table>
Resources Overlay. The Township also has a HARB who addresses historic resource protection in the Act 167 Historic (H) District for Unionville Village. The Agricultural Preservation District permits resource protection-oriented development and open space development is to be designed to preserve historic and other resources.

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 within the regional 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, DE. 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: Based on the 2013 Plan’s examination of battlefield municipality’s historic resource protection measures, 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. SLDO requirements address historic resources. 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.

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<th>DOCUMENT</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>Township-wide Historic Resources protection Overlay with Historic Commission review/advice.</td>
</tr>
<tr>
<td></td>
<td>Village Residential and Village Commercial Districts promote development that is compatible with the historic character of Fairville Village.</td>
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<tr>
<td></td>
<td>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.</td>
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<td></td>
<td>Multi-use District mixed use development promotes preservation of historical resources and landscapes.</td>
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<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Additional uses for adaptive reuse of historic resources to encourage their preservation.</td>
</tr>
<tr>
<td>Subdivision/Land Development (SLDO)</td>
<td>Existing resource inventory includes historic resources.</td>
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<td></td>
<td>Historic Resource Impact Statement requirement.</td>
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<td></td>
<td>4-step site sensitive approach including delineating and considering historic resources.</td>
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</tbody>
</table>
Kennett Township Summary

Policy: Kennett Township supports historic resources protection via Comprehensive Plan policy that recommends additional resource protection measures, participation in regional initiatives such as BBTF, and considering opportunities to protect battle features and landscapes. A Comprehensive Plan policy is to apply the 2013 Plan as a guideline when land or roadway improvements are proposed within or adjacent to battlefield related lands.

Historic Resources: Kennett Township is within the regional Brandywine Battlefield National Historic Landmark District. The Township is part of Longwood Gardens National Register Historic District along with East Marlborough and Pennsbury Townships. The Township shares State Boundary Markers Linear National Register District (Mason-Dixon/PA-DE Arc Stone Boundary Markers) with Pennsbury and other state border municipalities including New Castle County, DE. Kennett contains Hamorton Village National Register Historic District and a few individual National Register properties. Kennett contains many other historic resources as shown on its Historic Resources Survey and map. The Township is 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 and its resources.

Regulations: The 2013 Plan’s examination of battlefield municipality’s historic resource protection measures indicates that Kennett has good resource protection measures in place. Kennett has a Historical Commission who address Township-wide historic resources related projects via historic resource protection standards. The Township is completing is zoning update in 2021 that consolidates and expands upon historic resource protection standards including additional uses to promote adaptive reuse of historic resources in all districts, as well as consideration of cultural landscape and battlefield features. Open space development takes into account preservation of historic resources. SLDO requirements consider historic resources.

New Garden Township Summary

Policy: New Garden Township supports historic resources protection via its Comprehensive Plan where historic resources are a priority topic, and that recommends a historic resource inventory update, additional resources protection measures, participation in regional initiatives such as BBTF, and consideration of strategic landscape planning and 2013 Plan recommendations. The Village of Toughkenamon: Streetscape and Transportation Improvement Plan indicates that maintaining village historic character, including its older buildings is important for keeping its unique identify.

Historic Resources: The Township contains several individual National Register properties, and many other historic resources as shown on the Historic Resources Survey as well as a user friendly interactive web map.

Regulations: The 2013 Plan’s examination of battlefield municipality’s historic resource protection measures indicates that New Garden has resource protection measures in place. New Garden has a Historical Commission
who address historic resources related projects Township-wide through a historic resource preservation standards. The Township is working on updating these standards to promote resource protection and provide added options. Open space and lot averaging development takes into account preservation of historic resources. SLDO requirements consider historic resources.

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</table>
| Zoning                    | - Township-wide Historic Resources preservation standards with Historic Commission review.  
                              - Additional uses for adaptive reuse of historic resources to encourage their preservation.  
                              - Additional density for preservation of historic resources in open space and lot averaging developments |
| Subdivision/Land Development (SLDO) | - Historic resource identification on preliminary plans.  
                              - Recreation and open space permit historic resources as uses.  
                              - Historic specimen tree protection as part of development review. |
| Official Map              | - Identifies Township properties, existing and possible conserved lands, community facilities, watercourses, existing and proposed streets, existing sidewalks, and existing and proposed trails |

**Kennett Square Borough Summary**

**Policy:** Kennett Square Borough supports historic resources protection though Comprehensive Plan policy that recommends review of resources protection measures, participation in regional preservation partnership and initiatives such as BBTF, and consideration of a historic resource survey update.

**Historic Resources:** Kennett Square Borough contains Kennett Square National Register Historic District that encompasses over 1/3 of the Borough. There are also a couple individual National Register properties, and other historic resources as shown on the Historic Resources Survey.

**Regulations:** The 2013 Plan’s examination of battlefield municipality’s historic resource protection measures indicates that Kennett Square has resource protection measures in place. In 2015, the Borough repealed its preservation of historic resources zoning standards along with its Historical Commission. Since the Borough no longer has an entity to address historic education and outreach, it is hoped the underway Kennett Heritage Center (Chapter 6) can help fill this void. The Borough has a HARB who address historic resource protection in the Act 167 Historic District. SLDO requirements consider historic resources.

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| Zoning                    | - Act 167 Historic District for town center portion of Kennett Square Historic District with a HARB reviewing Certificates of Appropriateness for projects impacting historic resources in district.  
                              - Architectural details of certain uses in C-1 and C-2 districts should reflect historic buildings in the Borough.  
                              - Additional density for preservation of historic resources in historic district in open space developments. |
| Subdivision/Land Development (SLDO) | - Encourage preservation of historic spots and other community assets.  
                              - New architectural is to confirm with existing nearby architecture |

**Land Conservation & Historic Resource Protection Recommendations**

Rural open and agrarian lands containing historic resources, interspersed with suburban residential and some commercial development, and coupled with rolling topography characterize East Marlborough, Kennett, Pennsbury, and New Garden battlefield landscapes; a character the townships 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 and heritage physical setting and overall themes of retaining still readable battle-era landscape areas, Brandywine Valley settlement patterns, Quaker roots, role of the area in American history, and association with the story of our nation’s founding is supported. 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 particular 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, which is largely geared to Townships. East Marlborough, Kennett, Pennsbury, and New Garden all promote land conservation in their Township 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 Recommendations:** Lands identified on Map 5-1 should be considered for conservation, or, if developed, for site responsive limited development. More specifically, lands within/near ½-mile width column buffer areas that contain battle-era historic resources should be considered as the highest priority for conservation. The second highest priority for conservation are lands within/near ½-mile width column buffer areas that do not contain battle-era historic resources. Other lands within/near Landscapes bounds, particularly that contains battle-era historic resources, are the third highest priority for conservation. Possible land conservation tracts outlying Landscapes bounds serve as transition areas between this portion of the battlefield and possible future development and intrusion and are the fourth highest priority for conservation. (Landowners, BBTF, Land Trusts, Chester County Open Space/Parks Dept., East Marlborough, Kennett, Pennsbury, New Garden Townships)

5-1. Expand the role of municipal recreation, or like, committees 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. (Battlefield Municipalities)

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. During the financial boom of the 1990s and 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. The 2008/09 economic downturn reduced available funding, but 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. Southern 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, East Marlborough, Kennett, Pennsbury, New Garden Townships, 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. New Garden’s website has an informative agriculture section and other communities could do the same on their websites. (Battlefield Municipalities)

5-5. Revisit the Official Map/Ordinance in Kennett and New Garden and develop one in East Marlborough and Pennsbury to address possible battlefield land conservation. Denote key battlefield lands for preservation using this plan’s information. (East Marlborough, Pennsbury, Kennett, New Garden Townships)

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 that display 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 TLC and other like organizations 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)

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.’ More information can be found in CCPC’s ‘Taking Control of Your Land: A Land Stewardship Guide for Landowners’. (Battlefield Municipalities)
5-10. Update 2013 Plan maps to include Northern Column, Encampment, and Approach conserved lands clusters. The 2013 Plan identified protected lands clusters in Eastern Column Landscape areas. Phase 2 shows southern battlefield areas are more extensive and should be considered for land conservation. 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. All five municipalities promote historic resources protection policy, and the following recommendations build upon 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 southern battlefield Landscapes and within the ½-mile troop movement buffer as a first priority. Future actions should be made with a focus on protection of KOCOA identified defining features, including battle-related historic structures and their associated contextual surrounding lands and historic landscapes.

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. (East Marlborough Historical Commission, Kennett Historical Commission, Pennsbury Historical Commission)

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 being permitted, modification of typical requirements that older structures and lots often cannot meet, and additional density for historic preservation and reuse. Adaptive reuse is a planning tool on CCPC’s website, where more information is available. (Battlefield Municipalities)

5-13. Reinstate a Historical Commission in Kennett Square Borough to have a Borough affiliated entity to address Borough-wide historic resources education and outreach. The Commission can also work in coordination with the underway Kennett Heritage Center on exhibits and programs. (Kennett Square Borough)

5-14. Revise resource impact statement/study provisions in East Marlborough, Pennsbury, and Kennett to also identify and assess development impact specifically on the battlefield and its resources, and add a resource impact study In New Garden. Such a requirement would make developers more aware of battlefield resources, and able to design their projects to accommodate preservation. (East Marlborough, Pennsbury Kennett, New Garden Townships)

5-15. 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. Though in the northern battlefield, West Bradford Township’s TND-2 has a good set of design guidelines that could be used as a starting point for this broader effort. Such guidelines should be presented in a guidebook and take into account preservation standards developed by the Secretary of the Interior. Chester County Community Planning Handbook (Tool #45) provides information. (BBTF, Battlefield Municipalities)
5-16. 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 PA, the program is administered by PHMC and a match is required CLG grants. Only a few battlefield municipalities are CLGs and the rest should consider becoming designated. Municipalities apply directly to PHMC and information is on their website. (Battlefield Municipalities)

5-17. 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)

5-18. Consider expanding historic resource protection to all of Kennet Square Borough through zoning standards or an overlay. The Borough had historic preservation zoning provision in place, but repealed those standards leaving historic resources outside of the Historic District without specific protection including Historical Commission review/advice on project impacting resources. (Kennett Square Borough)

5-19. 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.

5-20. 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)

5-21. 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 2 tracts and resources, including maintaining battle-era rural roads. In particular, with the new understanding, via Phase 2, of the role of lands in East Marlborough, Kennett, and New Garden in the battle, and the clarification of Pennbury’s role, municipal plans could reference this information when they are updated. For example, East Marlborough OSRER Plan update, currently underway, will reference Phase 2 information. (East Marlborough, Kennett, Pennsbury, New Garden Townships, Kennett Square Borough)

5-22. 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, Pennsbury’s Comprehensive Plan open space network planning, and New Garden’s Greenways Plan. Also, the Land Trust of Southern Chester County (TLC) has a Red Clay Creek Greenway concept in parts of Kennett and Kennett Square. Kennett Comprehensive Plan suggests the Township develop a Greenways Plan that links to the larger area. (East Marlborough, Kennett, Pennsbury, New Garden Townships, Kennett Square Borough, TLC, Brandywine Conservancy)
5-23. 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 (as well as Thornbury) has battlefield zoning overlay that should be consulted at as an example 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. (East Marlborough, Kennett, New Garden Townships)

5-24. Revisit open space design and lot averaging zoning provisions to include the battlefield and its KOCOA 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)

5-25. 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)

5-26. 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 volunteer 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)

5-27. Include the battlefield and its KOCOA 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)