



P.O. Box 1, Pocopson PA 19366  
Office: 610.793.2151 Fax: 610.793.1944  
[www.pocopson.org](http://www.pocopson.org)

## Planning Commission (PC) Meeting Wednesday, April 6, 2022, 7:30 p.m.

In-person attendance: Commissioners – Gary Summers, Mickey Bailey, John Hess, Matt Murphy, Sean Rafferty, Paul Cardell; Kristin Camp, Solicitor. Commissioner Rob Miller was absent. Virtual attendees: Craig Kologie, Township Zoning Official; Ken Hoffman, Township Engineering.

Public in-person attendance: 2

Public virtually attending via GoToMeeting Platform: 1

1. **Call to Order:** Summers called the meeting to order at 7:30 p.m.
2. **Public Comment on Non-Agenda Items:** no public comment non-agenda items.
3. **Zoning Hearing Board Application:** Thomas M. Dorff and Gina T. Dorff, 920 Denton Hollow Road, West Chester, PA 19382/Tax Parcel 63-4-120: Applicant Tom Dorff appeared before the PC. Consultants for the Applicant presenting the project were Attorney Gina Gerber and Engineer Evan Pellegrino, P.E. Gerber noted that when the matter was last before the PC on November 3, 2021, the Commissioners challenged the Applicant to revisit the proposed plan. The Applicant did so, and the plan titled Tom Dorff 920 Denton Hollow Road, prepared by InLand Design dated 10/13/2021 and last revised 1/14/2022 ("Plan"), before the PC at this time represents those revisions, including a decision to build the dwelling somewhat outside the riparian buffer (with relief still requested as applicable) and particulars on the driveway culvert. Gerber commented that overall, the revisions to the Plan not only address the comments from the November meeting but represent a better approach in making the best use of the property. She added that concerns raised by the PC regarding trees have been addressed, and they are no longer requesting a variance with regard to tree removal and replacement. Gerber presented that the Applicant engaged a landscape architect who completed a study of the wooded lot. The study provides guidance for replacement and removal of unhealthy trees, trees choked by vines, as well as vegetative cover/shrubs in accordance with the township ordinance. The study takes into account strategically locating trees on the property to provide screening as was discussed and expressed by Mrs. Sellers during the November meeting. A mix of native plants and trees will improve the parcel as a natural habitat. Gerber presented that the hydrologic study titled "Floodplain Study and Driveway Culvert Design Report for Thomas M. & Gina T. Dorff, prepared by BA Bercek & Associates, dated March 3, 2022, provides guidance for the culvert and the stream crossing. The study shows that the encroachment is smaller relative to the floodplain as shown on the FEMA maps. The culvert has been redesigned and is adequate to handle a 100-year flood. There is a slight adjustment to the location of the driveway. Gerber added that the Applicant was made aware of a .9-acre conservation easement held by the Brandywine Conservancy. A copy of the easement as well as the revised Plan was discussed with and reviewed by the Brandywine Conservancy. As a result, the Brandywine Conservancy has given the Applicant a "green light" to proceed with the proposed plan. PC should note that the revised plan includes net area recalculations to account for the conservation easement, as well as the addition of a special exception for allowable

impervious surfaces. Gerber noted that the Applicant will address the concerns in the letter from the Township Fire Marshal by changing the parking area to the left of the garage to provide adequate turnaround area for emergency vehicles. DISCUSSION: Cardell asked how the Applicant will address the 10% overage for the disturbance. Gerber indicated that the grades have been flattened and adjusting the location of the dwelling addresses the disturbance overage. Rafferty and Bailey acknowledged the stormwater management ("SWM") concerns with the project and asked for clarification as to SWM designs and discharge in relation to the Sellers Property and the Denton Hollow Bridge. Gerber noted the system is not fully designed, but the current Plan indicates the use of a rain garden, underground detention facilities, as well as a discharge to the upside of Mrs. Sellers' property. Applicant recognized that Pocopson Township SWM Ordinances are quite stringent and guiding in installation of a conservative SWM system for the parcel. Randy Mims, 814 Denton Hollow Road, expressed that there have been a number of 100-year floods in the past few years. He voiced concern as to the effect of immense stormwater flows on the natural stream. Kologie noted that the culvert design is a 10X3 box culvert that is designed to allow overflow over the top rather than under. Pellegrino and Gerber commented that in accordance with the tree study, there are stormwater credits for the new tree plantings. Rafferty inquired as to the viewshed given the adjustment to the location of the dwelling. Consultants for the Applicant indicated that the adjustment does not change, encroach, or create a concern for adjacent properties. Murphy asked for clarification as to the effect of constructing the dwelling into the side of the slope. Pellegrino explained that the foundation of the dwelling will essentially act as a retaining wall. Camp asked for clarification as to the relief sought at this time. Gerber indicated a special exception for impervious coverage is requested (Section 250-19.C.3 and .4); special exception for the driveway and utilities in the floodplain area (Section 250-41.15.F.2) and a variance in the alternative that the Applicant doesn't qualify for the uses set forth in the ordinance; and, modification of the natural resources requirements within various Sections of 250-87, in particular, for certain permitted uses within the inner and outer riparian buffer, woodlands, floodplain, margins for moderately steep slopes, utilities within 50' of an onsite watercourse, and encroachments. Following the recap for relief, Camp asked if it was the position of the Applicant that given the constraints of the property, that what they have proposed reduces the maximum extent of impact on the natural resources in order to have a reasonable development of the land. She asked if there is a scenario where the Applicant might further reduce disturbance given that what is shown on the Plan traverses the floodplain and riparian buffer. Applicant noted that the proposed dwelling is a modest-size house, and the Plan seeks to maintain the natural characteristics of the parcel to the extent possible. Gerber pointed out that there is really no way to access the building lot. Access via Bittersweet Lane, a private road, was declined by the landowners. Cardell commented that it appears the Applicant has addressed the concerns discussed during the November meeting. Randy Mims asked for and Camp provided the differences between a request for special exception and a request for a variance. Mims voiced concern that development of the parcel will damage the stream and the stream area. He added that given the number of variances and special exceptions requested by the Applicant, as well as the calculations to net-out elements such as the conservation easement, a precedent will be set taking the township to circumstances that are in violation of its own comprehensive plan. Summers responded that each zoning hearing board application stands on its own merit. He agreed that the plan presented during the November meeting appeared to have a shocking impact on the lot, but the Applicant has modified the plan taking the November comments into

consideration. He acknowledged that a 100-year storm is no longer a rare occurrence, and it appears that the proposed culvert will accommodate stormwater. Camp offered that the township cannot stop landowners from developing their land because to do so would be an unlawful regulatory taking and could subject the township to liability. Camp commented that while the sloped parcel was created during a subdivision process in the 1970s, the standards and codes adopted by the township today are quite stringent in protecting properties and streams when it comes to stormwater management. She offered that Mims should voice his concerns during the zoning hearing board hearing. Rafferty suggested that the neighbors work with the Applicant to identify areas of concern as was suggested during a public meeting discussion on a similar zoning hearing board application. Hoffman noted that the SWM particulars on the Plan are not entirely consistent with the relief sought by the Applicants; however, going through the design process may provide a percentage of relief beyond that which is requested. Dorff commented that there are options from the soil testing and infiltration testing results that raise the design confidence level in meeting the relief requested, but the designs are not such that the results will net greater relief. Gerber offered that it is in the best interest of the landowner to make certain that stormwater controls meet best management practices. Mims commented that during a huge storm it is difficult to determine the source of stormwater, particularly when severe damage is caused by the stormwater. Kologie provided an overview of the floodplain analysis which provides data on the box culvert structure and the effect of controlling stormwater downstream as well as the effect on the upstream property. Camp noted that a number of agencies will provide another level of scrutiny as stream crossing permit applications are submitted for review. The PC discussed the Draft Comment and Review Letter dated April 6, 2022 ("Draft") submitted earlier in the day by Gilmore & Associates. Summers commented on the difficulty in receiving the Draft a few hours before the meeting, particularly given the impact of the proposed development of this lot. Hoffman offered that there is information on the Plan that is not clear and that there are a number of engineering questions unanswered, particularly with regard to the dates on the various plans submitted for review. Pellegrino responded that his office would clarify the dates on the plans, particularly where revisions have been made. Gerber responded that following a cursory review of the Draft, it appears that the Applicant will be able to sort out and address the comments. Hoffman indicated that his office did not receive a revised plan addressing engineering comments from the November 1, 2021 Comment and Review Letter. Murphy commented that the modified stormwater improvements proposed by the Applicant are similar to that which is utilized in other communities in the township. Just the same, he acknowledged that to Mr. Mims's point, there is concern regarding the Denton Hollow Road Bridge which could, in effect, become a dam when stormwater carries debris downstream. It is hoped that SWM technology will perform as designed. Mims offered that his property is frequently a depository for debris during heavy storms with such debris inhibiting access to his property. Camp asked if the source of the debris is due to development in the Township. Most in attendance agreed that the source of flooding is due in part to development upstream of the Brandywine Creek, perhaps Downingtown and beyond. Rafferty commented that he appreciated all the comments offered this evening. He acknowledged that there are no guarantees with the designed plans. Kologie commented that the SWM Best Management Practices Agreement must be recorded, and measures outlined therein can be enforced. Cardell recognized the concerns voiced by Mr. Mims and the modifications to the Plan offered by the Applicant. PC agreed that the Applicant must address the concerns of the Township Fire Marshal. MOTION: Cardell moved, Hess

seconded, to take no position on the zoning relief, but to acknowledge the Commission's preference for the Revised Plan based on the efforts of the Applicant to address the concerns raised during the November 2021 PC meeting, and to note that if the Zoning Hearing Board approves the requested the relief, that conditions be imposed in accordance with the Gilmore & Associates April 6, 2022 Comment and Review Letter as well as the March 26, 2022 Comment Letter submitted by the Township Fire Marshal; motion carried.

4. **Approval of March 2, 2022 Meeting Minutes:** MOTION: Hess moved, Rafferty seconded, to approve the Minutes; motion carried.
5. **Old Business:**
  - a. General Update on the Unionville-Chadds Ford School District/Connection to Riverside Wastewater Treatment Plant - Kologie reported that there are difficulties with the existing sewage treatment field and affluent requirements for the Pocopson Elementary School Wastewater Treatment Facility. The Unionville-Chadds Ford School District intends to connect to the Riverside at Chadds Ford Wastewater Treatment Plant. Connection points will be off of Radek Court. Work on a sewage planning module is underway as discussions continue with DELCORA, owner of the Riverside Wastewater Treatment Plant, the Riverside Homeowners Association, and the school district. Bailey inquired as to the percentage of the connection and fate of the current system. Kologie indicated the move will be 100% and the current system will be decommissioned. Hess inquired as to the aspects of decommissioning. Kologie responded that the drip field will cease to send flow and the field dismantled and returned to grass. The sewage planning module may be listed on the May PC agenda.
6. **Adjournment:** at 8:40 p.m. Rafferty moved, Hess seconded to adjourn the meeting; motion carried.

  
Susan Simone, Secretary

  
Gary Summers, Chairman