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4051 Ogletown Road
Newark, DE 19713

February 1, 2022

Ms. Diane Hicks
Director of Planning and Zoning
Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317

**Re: Kaolin RE Holdings Corporation
Reverse Subdivision Plan**

Dear Ms. Hicks:

We received the following information for the above noted project via electronic submission from the Applicant on January 27, 2022:

- Response letter to AECOM's December 3, 2021 review letter, prepared by Regester Associates, Inc., dated January 20, 2022.
- Reverse Subdivision Plan for Kaolin RE Holding Corporation, prepared by Regester Associates, Inc., dated August 4, 2021, last revised January 20, 2022 (2 sheets).
- Right of Way of West South Street legal description, prepared by Regester Associates, Inc., dated January 18, 2022 (1 page).
- Proposed Right of Way Exhibit, prepared by Regester Associates, Inc., dated January 18, 2022 (1 sheet).

The Reverse Subdivision Plan proposes to combine UPI #s 62-3-101 (7.325 acres) and 62-3-102 (2.816 acres), located in the SA – Specialized Agricultural Zoning District, into one lot (9.835 acres). The project parcel currently contains an existing mushroom production facility on UPI #62-3-101 and an existing building with associated improvements on UPI # 62-3-102. Access to UPI #62-3-101 is provided via Chandler Mill Road (T-408). Access to UPI #62-3-102 is provided via a driveway to Chandler Mill Road (TR-408) located on UPI # 62-3-102.1.

The site is serviced by existing public water and sewer service and existing on-lot water supply and sewage disposal facilities. No construction or earth moving activities are proposed as part of the proposed reverse subdivision.

We have reviewed this submission as a Final Minor Subdivision Plan in accordance with the Kennett Township Zoning Ordinance and the Subdivision and Land Development Ordinance. On January 3, 2022, the Kennett Township Board of Supervisors granted the requested waivers and conditionally approved the Final Minor Subdivision Plan contingent upon dedication of an additional 25' wide half right-of-way along the frontage on West South Street as well as compliance with open comments of the AECOM review letter of November 8, 2021. Open comments from our November 8, 2021 and December 3, 2021 letters are listed below retaining prior numbering and with new or modified comments in bold italic font.

Subdivision and Land Development Ordinance Waivers

1. ***New comment - Sheet 1 references the waiver requests. The plan should be updated to note that the waivers were granted and the applicable date.***

Subdivision and Land Development Ordinance

1. §206-403.G.(2) requires submission of a sewage facilities planning module. A PADEP Request for Planning Waiver & Non-Building Declaration was provided with this submission to address sewage planning module requirements. We have no objection to use of this form for the current submission but note that a separate Zoning Hearing Board application has been filed for a proposed mushroom worker housing use on the project lands. The noted DEP form would be inapplicable for any such construction, and the plan note required by this DEP form would effectively memorialize the obligation to address DEP sewage planning requirements should approval for construction of worker housing or similar improvements be requested. Procedural comments regarding completion of this form follow:
 - B. Section D should be completed by a member of the Kennett Township Planning Commission upon determination that the plan is consistent with applicable Township Ordinances. There is no statutory time period for completion of this section. **Comment remains.**
 - C. Section E should be completed by a representative of the Board of Supervisors once all other sections have been completed and the proposal is found to be satisfactory. There is no statutory time period for completion of this section. **Comment remains.**
 - D. Once completed, copies of the Request for Planning Waiver and Non-Building Declaration form and subdivision plan should be forwarded to CCHD and DEP for their records. **Comment remains.**

5. §206-502.A.(6) states the Board of Supervisors may require dedication of additional right-of-way where a subdivision abuts or contains an existing or proposed major thoroughfare. The Township should review the need for additional right-of-way in light of any proposed sidewalk or trail improvements, but at a minimum we recommend a 25' wide half right-of-way be considered along West South Street project frontage. [9/9/21] Comment remains for Township review. If dedication of additional road ROW is deemed appropriate, the associated area should be defined on the plan and by separate exhibit with bearings and distances. A title insurance policy and deed of dedication would also need to be provided and approved by the Township Solicitor. [11/8/21] **On January 3, 2022, the Kennett Township Board of Supervisors required dedication of a 25' wide half right-of-way along the frontage of West South Street. A copy of the legal description and an exhibit with the bearings and distances has been provided with this submission. The following items should be addressed:**
 - A. **A title insurance policy and deed of dedication still need to be provided and approved by the Township Solicitor.**
 - B. **The offer of dedication should be addressed by a plan note or callout; there is currently no indication on the plan that the additional road right of way will be dedicated to the Township.**

Please contact our office should you have any questions.

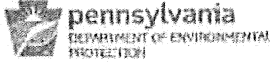
Sincerely,

AECOM



Stan Corbett
Associate Vice President

cc: Jim Fritsch, PE, Regester Associates, Inc.
Jeffery A. Diem, PLS, Regester Associates, Inc.
Kaolin RE Holdings Corporation c/o EOS Management, LP, Owner
Amy Ferris, Kennett Township
Dave Sander, Kennett Township Solicitor
Heather Dorsey, PE, AECOM



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

REQUEST FOR PLANNING WAIVER & NON-BUILDING DECLARATION

Section A - To Be Completed by Subdivider

I, Kasha R. Holdings Corp (subdivider), propose a subdivision of 2 lot(s), located in Kennett Township/Borough, Cherokee County. No facility or building will be erected on the subdivided lot(s) either now or in the future that will result in the generation of sewage requiring a permit or planning under the Pennsylvania Sewage Facilities Act (35 P.S. §750) (Act) or the Pennsylvania Clean Streams Law (35 P.S. §691). In support thereof, I have attached the following:

1. A written description of the subdivision and its intended use.

2. A copy of the plot plan and deed (if available) which contains language identical to or similar to:

"As of the date of this deed/plot plan recording, the property/subdivision described herein is and shall be dedicated for the express purpose of Agricultural use. No portion (or lot number(s) _____) of this property/subdivision are approved by Kennett Township (Municipality) or the Department of Environmental Protection (DEP) for the installation of any sewage disposal facility. No permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system (except for repairs to existing systems) unless the municipality and DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.) (Act) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of Kennett Township (municipality), who are charged with administering the Act to determine the form of sewage facilities planning required and the procedure and requirements for obtaining appropriate permits or approvals."

3. Language identical to or similar to that in Section A.2 above has been recorded on the plot plan and will be recorded on the deed. A copy of the deed (if available) and plot plan is submitted with this waiver request/ non-building declaration as documentation of this fact.

I verify that the statements made in Section A of this document are true and correct to the best of my knowledge, information and belief. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Michael W. Piz Jr.
Subdivider/Developer
(Print Name) [Signature]
Signature 8/6/21
Date

Section B - To Be Completed By Buyer Or Recipient Of The Non-Building Parcel

As the anticipated buyer or recipient of the non-building land parcel described in Section A, I declare that my intended use of the parcel is for the purpose of Agriculture, that it will not result in any sewage generating facility and that I cannot obtain a permit for a sewage disposal system located on this parcel except in accordance with the Act (35 P.S. §750.1 et seq.), the Pennsylvania Clean Streams Law (35 P.S. §691.1 et seq.) and regulations promulgated thereunder. I understand that false statements in this document are subject to the penalties prescribed by applicable law, including, but not limited to, 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Michael W. Piz Jr.
Buyer/Recipient
(Print Name) [Signature]
Signature 8/6/21
Date

Section C - Sewage Enforcement Officer (SEO) (Only when there is an existing septic system on the parcel under consideration)

I have inspected the lot on which the existing building and existing septic system are located and have concluded, based on soils mapping or soils evaluation, permit information or site inspection that the long-term sewage disposal needs of this site and the building currently served can be met. I further acknowledge that no violations of the Act are known to me or have become apparent as a result of my site inspection. No inferences regarding future performance of the existing septic system should be drawn from this acknowledgement. A brief description and sketch of the existing system and site is attached.

<u>BRUCE FOCHT</u>	<u>Bruce Focht</u>	<u>2409</u>	<u>11-9-2021</u>
SEO (Print Name)	Signature	Certification Number	Date

Section D - Planning Agency Concurrence

The described use (agriculture, silviculture, utility placement, mining, etc.) of parcel(s) herein proposed must be consistent with the zoning, land use ordinances and comprehensive plans for the area involved in the proposed subdivision. By signature of the designated official, _____ (planning agency with Municipal Planning Code jurisdiction), has reviewed the information submitted requesting a non-building waiver and has found this request to be consistent with applicable plans and ordinances administered by this agency and that it is not part of a subdivision that proposes new sewage generating structures.

<u>JAMES S. PRZYWITAWSKI</u>	<u>[Signature]</u>	<u>3-8-2022</u>
Planning Agency Official (Print Name)	Signature	Date

Section E - Municipal Concurrence

By signature of the designated official, _____ Township/Borough, _____ County acknowledges acceptance of this proposal as a non-building lot subdivision. Officials of _____ (Municipality) accept full responsibility now and in the future to identify any violation of the non-building lot criteria described and to submit to DEP a completed Sewage Facilities Planning Module for the entire subdivision should a violation occur. We understand that such planning information may require municipal officials to be responsible for soil testing and other environmental assessments for all the lots in the subdivision. This municipality will retain a copy of this waiver and all attachments. A copy of this form and all attachments are being forwarded to the appropriate office of DEP and to the municipal SEO.

_____	_____	_____
Municipal Secretary or Chairperson (Print Name)	Signature	Date