

Resolution 2022-10

3850-FM-BCW0356 Rev. 5/2016



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

DEP Code No.
1-15933-457-3J

RESOLUTION FOR PLAN REVISION
FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE SUPERVISORS (COMMISSIONERS) (COUNCILMEN) of KENNETT
TOWNSHIP (BOROUGH) (CITY), CHESTER COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the Pennsylvania Sewage
Facilities Act, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection
(DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official
Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth
and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine
whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of
pollution control and water quality management, and

WHEREAS Mitchell Homes has proposed the development of a parcel of land identified as
land developer

Smith Property, and described in the attached Sewage Facilities Planning Module, and
name of subdivision

proposes that such subdivision be served by: (check all that apply), [X] sewer tap-ins, [X] sewer extension, [ ] new
treatment facility, [ ] individual onlot systems, [ ] community onlot systems, [ ] spray irrigation, [ ] retaining tanks, [ ]
other, (please specify).

WHEREAS, Kennett Township finds that the subdivision described in the attached
municipality

Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal
ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Supervisors (Commissioners) (Councilmen) of the Township
(Borough) (City) of Kennett hereby adopt and submit to DEP for its approval as a revision to the
"Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is
attached hereto.

I, Secretary, Kennett
(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of
the Township (Borough) (City) Resolution #, adopted, 20.

Municipal Address:

Kennett Township
801 Burrows Run Road
Chadds Ford, PA 19317
Telephone (610) 388-1300

Seal of
Governing Body

**ADOPTED** and **RESOLVED** this 20th day of April, 2022.

**ATTEST:**

**BOARD OF SUPERVISORS OF KENNETT TOWNSHIP**

\_\_\_\_\_  
Eden R. Ratliff, Secretary

\_\_\_\_\_  
Richard L. Leff, Chairman

\_\_\_\_\_  
Scudder G. Stevens, Vice-Chairman

\_\_\_\_\_  
Geoffrey Gamble, Member

## MEMORANDUM

Date: April 15, 2022

To: Diane Hicks  
Kennett Township Board of Supervisors

From: Stan Corbett

Subject: **Smith Property – Mitchell Homes  
Sewage Planning Module**

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The Smith Property land development project has not been before the Board of Supervisors since late 2020, when a conditional final land development plan approval was recommended by the Planning Commission and subsequently approved by the Board at the December 16, 2020 meeting. The conditions of approval included resolving off-site sewer system capacity concerns and securing all related Township, Borough and DEP approvals.

A sewage planning module has been submitted to the Township which reflects proposed sewer upgrades that would ultimately resolve the related condition of approval. As noted in our April 15, 2022 review letter, we have no technical objection to Board approval of the planning module. Given the time that has elapsed since the Board of Supervisors were directly involved and the unusual nature of this planning module, however, additional information follows to assist with Board understanding.

### Background

The 72 unit Smith Property residential land development is located on the south side of Rosedale Road adjacent to the existing Township-owned Rosedale Road Pump Station (RRPS), which pumps through a Township force main directly into a portion of Borough gravity sewer. Public sewer service for the land development would require adequate RRPS capacity, as well as adequate capacity in all downstream Township and Borough facilities. When the Smith Property developer first approached the Township about a possible land development plan, he was advised by the Township that the RRPS was in poor condition and at capacity, and was also advised by Borough representatives that the same problems existed with the Borough's East South Street Pump Station (ESSPS) which received flow from this area of the Township. The developer accordingly planned to work with both municipalities to provide for new or upgraded pump stations. Notably, capacity and condition issues at both pump stations are significant enough that each municipality would likely need to proceed with planning, design and construction of new or upgraded pump stations in the near future regardless of the Smith Property project.

When the land development plan was submitted and conditionally approved, the details of needed pump station upgrades had not yet been resolved. Although the gravity sewer system within the development had been found acceptable by AECOM, more coordination between the Developer, Township and Borough was needed to refine the off-site sewer upgrades.

Significant coordination between AECOM, The Township Manager, the former Township Public Works Director, the Developer, and Borough representatives has taken place over the course of the last year to better identify all sewer upgrades that would be needed. These efforts focused on both the Smith Property sewage needs *and* additional future growth in both municipalities, to ensure any upgrades made in concert

with the Smith Property project would be in the best long term interests of the Township and Borough. In the course of these efforts, the Borough determined that the ESSPS should be relocated and identified numerous segments of gravity sewer that would need to be upgraded in order to handle the increased flow from the upgraded Township and Borough pump stations. The scope of the collective off-site sewer upgrades has consequently expanded beyond that which was originally projected.

The current planning module submission reflects the outcome of these efforts and would serve as a means of securing DEP Act 537 approval for both the land development project and the upgraded Township and Borough facilities. AECOM has coordinated with DEP and verified that this dual Act 537 planning function would be acceptable.

### **Off Site Sewer Improvements Summary**

Since the Smith Property project would connect directly to the RRPS site, Township upgrades are limited to the RRPS and force main. To determine recommended design capacities, a study of projected sewage flows for the area tributary to the RRPS was conducted. This study included existing pump station flows, estimates for additional growth among the non-residential uses presently connected, and estimates for future development or connections of parcels in the area which are not presently connected. A copy is included in the planning module package.

The ultimate sewage flow for the area was projected to be 143,566 gallons per day (gpd), but the planning module proposes an upgrade of the RRPS and force main which would be initially be limited to 124,966 gpd. The pump station design would have the ability to be easily modified for the ultimate flows if needed in the future, but limiting the initial design flow for DEP approvals is recommended to mitigate possible Township costs – pumping at a rate that would take care of the ultimate flows would require upgrade of several additional gravity sewer segments in the Borough, and these are costs which may not be needed for an indeterminate number of years. The proposed initial pump station capacity would accommodate approximately 80 future EDUs in addition to the Smith Property, and the Township will retain the ability to coordinate with the Borough for additional gravity sewer upgrades as needed in the future to accommodate additional flows.

The Borough upgrades will be more extensive and will include a new ESSPS and force main, upgraded gravity sewer segments along various portions of South Street, and an upgrade to the gravity sewer along Terminal Way. The Terminal Way sewer upgrade is upstream of the ESSPS but is needed to handle additional flows from the RRPS.

The total costs for all off-site improvements are not addressed by the planning module but are expected to exceed the funding that could be supported by the Smith Property project. Township and Borough funding assistance is consequently anticipated, and DEP requires identification of this condition in the planning module and the associated public notice. The excerpt from the planning module narrative below addresses this requirement and substantially mirrors the salient public notice language.

*Costs for the Rosedale Road Pump Station and force main upgrades will be borne by the Developer and Kennett Township. Costs for East South Street Pump Station upgrades and all other sewer upgrades within Kennett Square Borough will be borne by the Developer and the Borough. It is anticipated that Kennett Township and Kennett Square Borough funding in excess of \$100,000 will be required to complete all applicable upgrades, with details to be resolved via agreement(s) between the Township, Borough and Developer prior to construction. It should be noted that the proposed sewer system*

*upgrades in both municipalities are not solely intended to provide capacity for the Smith Property land development; municipal funding contributions are anticipated because the upgrades will also address existing problems and provide additional capacity for future growth.*

The public comment period has now passed and it's our understanding that no comments were submitted to the Township. It should also be noted that the Kennett Square Borough Council approved the planning module with regard to the Borough improvements at their April 6, 2022 meeting.

### **Next Steps**

As noted in our April 15, 2022 planning module review letter, we believe the planning module is acceptable for consideration by the Board of Supervisors and would have no objection to Board approval if deemed appropriate. The Developer has requested that Board approval be considered at the April 20, 2022 meeting.

If the Board approves the planning module, additional steps needed to proceed with the land development and the off-site sewer upgrades would include:

- DEP approval of the planning module.
- Developer completion of pump station and force main design drawings and DEP permit applications, subject to Township and Borough review and approval for each municipality's facilities.
- Township, Developer, and Borough coordination to address funding obligations, associated agreements, and potentially additional future Township flows.
- DEP permit issuance for the off-site sewer upgrades.
- Developer completion of all open conditions for final plan approval and subsequent plan signature/recordation.

Please let me know should you have any questions or need additional information.



AECOM  
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4051 Ogletown Road  
Newark, DE 19713

302.781.5900 tel  
302.781.5901 fax

April 15, 2022

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

**Re: Smith Property Subdivision  
Sewage Facilities Planning Module  
DEP Code No. 1-15933-457-3J**

Dear Ms. Hicks:

On March 10, 2022, AECOM received via email a Sewage Facilities Planning Module package for the Smith Property project, prepared by Evans Mill Environmental, LLC, dated October 1, 2020 and last revised March 3, 2022. Included to address planning module plot plan requirements were the following plan sheets:

- Improvement Construction Plan, Sheet 10 of 31 from the Final Land Development Plan of Smith Property, prepared by D.L. Howell and Associates, dated April 30, 2019 and last revised August 12, 2020
- Proposed East South Street Pump Station Concept Plan for Planning Module, Sheet 1 of 2, prepared by Evans Mill Environmental and dated January 22, 2022.
- Rosedale Road Pump Station Upgrade Concept Plan for Planning Module, Sheet 1 of 1, prepared by Evans Mill Environmental and dated January 22, 2022.
- Additional plans as provided by the Borough engineer to illustrate sewer upgrades within the Borough are included as follows:
  - South Street Sanitary Sewer Replacement addressing sewer segments from manholes S17 to S15 and S9 to S7, prepared by Pennoni Associates and dated April 16, 2021 with no revisions noted (3 sheets).
  - South Street Sanitary Sewer Replacement addressing the sewer segment from manhole S23 to S22, prepared by Pennoni Associates and dated February 28, 2022 with no revisions noted (2 sheets).
  - Terminal Way Sanitary Sewer Replacement, prepared by Pennoni Associates and dated July 13, 2021 with no revisions noted (3 sheets).

The following supplemental planning module documents were received electronically on April 13 and April 14, 2022:

- Planning Module Component 4A form completed by the Kennett Township Planning Commission on April 12, 2022.
- Planning Module Component 4C form completed by the Chester County Health Department on March 17, 2022.
- Completed Resolution for Plan Revision for New Land Development form indicating planning module approval by the Kennett Square Borough Council on April 6, 2022.
- Engineering Site Analysis Plan, Sheet 6 of 31 from the Final Land Development Plan of Smith Property, prepared by D.L. Howell and Associates, dated April 30, 2019 and last revised October 21, 2020.

- Improvement Construction Plan, Sheet 10 of 31 from the Final Land Development Plan of Smith Property, prepared by D.L. Howell and Associates, dated April 30, 2019 and last revised October 21, 2020.
- Plan depicting the proposed force main upgrade for the Rosedale Road Pump Station entitled "Proposed Force Main Route for Planning Module", prepared by Evans Mills Environmental and dated April 14, 2022 with no revisions noted.

The Planning Module proposes construction of 72 single family homes on existing UPI #s 62-4-216, 62-4-216.1 and 62-4-216.3, located in the R-4 Residential Zoning District and containing 21.14 acres. A gravity sewer collection system is proposed within the development, which would flow to the Township-owned Rosedale Road Pump Station and sewage would be thereafter conveyed to the Kennett Square Borough collection and conveyance system, with treatment and disposal via the Kennett Square Borough Wastewater Treatment Plant. Public water service by Chester Water Authority is proposed.

The Kennett Township Rosedale Road Pump Station and the Kennett Square Borough East South Street Pump Station would receive flows from this project, and both are presently in poor condition with inadequate capacity to accommodate the Smith Property project. The applicant has consequently coordinated with the Township and Borough to identify upgrades to each municipality's sewage facilities. Within the Township, the planning module proposes a Rosedale Road Pump Station upgrade, including installation of a new force main to Borough manhole S27-8. Within the Borough, a new East South Street Pump Station is proposed, as well as upgrades to various sections of gravity sewer along Terminal Way and South Street. These improvements would provide capacity for the Smith Property project as well as additional future growth in each municipality.

We have reviewed the planning module package, as supplemented by the April 13<sup>th</sup> and 14<sup>th</sup> submissions, as applicable to the proposed improvements in Kennett Township and have the following comments:

1. In accordance with 25 Pa Code §71.53, the Kennett Township Board of Supervisors has sixty (60) days to act on a complete planning module, or additional time as the applicant and Township may agree to in writing. We believe the planning module is presently complete respect to DEP content requirements excepting the requirement to resolve potential Pennsylvania Natural Diversity Inventory (PNDI) conflicts per Section G.7 of the Component 3 form. Information to resolve associated US Fish & Wildlife Service requirements remains outstanding. We have discussed this status with DEP, however, and have been advised that the planning module may be approved by the Board of Supervisors at this time without risk to the Township. It is our understanding that DEP review may proceed if the planning module is approved by the Township, but the Applicant would need to resolve PNDI requirements prior to DEP approval.
2. We have no objection to planning module approval by the Township and note the following DEP procedural requirements that should be addressed by the Township:
  - a. Prior to any planning module approval by the Board of Supervisors, the Township should complete, sign and date the planning module completeness checklist.

- b. Favorable action, if deemed appropriate by the Board of Supervisors, should be memorialized by completion of a signed and sealed Resolution for Plan Revision for New Land Development form.
  - c. After Board action, the DEP Transmittal Letter should be completed and signed.
  - d. All completed documentation as noted above should be provided to the Applicant for inclusion in a final planning module package.
3. Upon receipt of the documents noted in comment 2 above, the Applicant should provide a complete updated planning module package to the Township which includes:
- a. All supplemental documents received after the March 10, 2022 planning module electronic submission.
  - b. A completed Component 3 Section P indicating that no written public comments were received, as has been advised by the Township, and including proof of publication to document the public comment period.
  - c. A completed DEP letter checklist for final signature by the Township.
4. Two hard copies of the final planning module package and a check for the DEP review fee (to be provided by the Applicant) should be mailed by the Township to DEP. An electronic copy of the final planning module package may additionally be submitted to DEP to facilitate more timely review.

Please do not hesitate to contact me if you have any questions.

Sincerely,

**AECOM**



Stan Corbett  
Associate Vice President  
Municipal Department

cc: Dan Hudson, PE, Evans Mill Environmental  
Dan McKenna, PE, D.L. Howell and Associates  
Mitch Kotler, Mitchell Homes  
Mike Ellis, PE, Pennoni  
Rob Moran, Kennett Square Borough Public Works Director