

2021 Chester Heights Candidates

for **MAYOR:** Philip Block

for **COUNCIL:** Marta Driscoll | Nancy Server | Jeff Durst | Ron Surkin



August 18th, 2021
Via USPS & email

Chester Heights Borough Council
222 Llewellyn Rd
PO Box 657
Chester Heights, PA 19017

RE: Powell Property

To the Chester Heights Borough Council:

As candidates for Borough Council and Mayor in the election to be held on November 2, 2021, and as residents of the community, we have been closely following the proposal for a planned residential community of 52 townhouses on the 62+ acre Powell property. This property, consisting of pristine open meadow, old growth forest, steep slopes and wetlands, located mostly on the west side of Valleybrook south of Smithbridge, is very possibly the last remaining substantial tract of land of its type in the Borough that might be subject to this type of development pressure. By size alone, it represents nearly 5% of the Borough's 2.1 square mile territory. Its importance to the Borough as an open space natural resource has only been heightened by the fairly recent construction of the Brookefield townhomes on two-thirds of Camp Meeting acreage, and the ongoing clearcutting and decimation of the rolling 11-acre pastoral landscape of Rosehill at the corner of Llewellyn and Lenni Roads for the construction of 33 townhomes. As such, in considering the future of this property, we feel that ***members of Council have an obligation to the community to***, in the words of the 2013 Comprehensive Plan, ***"explore the use of all potential land preservation techniques and funding opportunities for the protection of open space."***

Council also has a critical fiduciary obligation under Article 1 Section 27 of the Pennsylvania Constitution, the Pennsylvania Environmental Rights Amendment, to protect and preserve the Borough's natural resources, and a duty to serve as trustee of the natural, scenic, historic and esthetic values of the environment for the benefit of the residents of Chester Heights. *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017). When the Concord Township Board of Supervisors ignored this obligation in approving a plan to construct 162 houses on 240 acres of the Beaver Valley tract, the Delaware County Court of Common Pleas ordered the township to factor in the Environmental Rights Amendment as part of its consideration of whether to approve the plans, even though they complied with the one house per acre zoning. This court order led directly to the preservation of Beaver Valley and it is now a public park. That same thinking led the Commissioners of Marple Township to disapprove a development plan for the 200+ acre Don Guanella property, which is now going to be acquired by Delaware County via eminent domain to be preserved as open space and parkland. By way of comparison, while the Powell property represents nearly 5% of Chester Heights, the Beaver Valley tract and the Don Guanella property each are less than 3% of their respective township's total acreage.

These obligations of Council require that nothing be considered “off the table.” In our view, a broad range of options should be examined, including acquisition of all or a substantial portion of the property for fair compensation by the exercise of eminent domain or negotiation, encouraging publicly-minded land trusts or conservation trusts to make proposals to the owner, and seeking out conservation-oriented funding from public or private sources to facilitate acquisition. In addition, a close and critical evaluation of the owner’s current development proposal must be undertaken.

Council has the resources at its disposal to undertake these tasks. It can hire its own experts -- as opposed to relying on the expert opinions of those paid for by the owner -- to evaluate all aspects of the proposal (and the viability of the owner’s alternative “by right” proposal to build 23 single family homes), including but not limited to potential impact due to run-off into an EPA wetlands and into the west branch of the Chester Creek, which is a highly valued, stocked fishing stream, the impact on a 100 year flood plain, the impact on local wildlife, traffic implications on Valleybrook and Smithbridge Roads, stormwater management, and impact on the forested sections of the property. Council can obtain professional advice and assistance, and potentially funding, from a variety of agencies and organizations, including government agencies such as the Pennsylvania Department of Conservation and Natural Resources, Delaware County’s Planning Department (which through the Delco Green Ways program makes funds available to municipalities for projects that advance the County’s 2035 Open Space, Recreation and Greenway Plan), and nonprofits like the Conservation Fund, the Mt. Cuba Center, the North American Land Trust, and the Brandywine Conservancy, just to name a few.

The overwhelming majority of Chester Heights’ housing stock already consists of various types of “high density housing,” including the apartments at Madison, the condominiums in Darlington Woods, the Highland Reserve, the Village of Valleybrook, and the townhomes in Brookefield, with more to come at Rosehill. The Powell property is not currently designated as an area for a planned residential development, so that Council would have to be convinced that it is in the public interest to affirmatively change the Zoning Code for the owner’s benefit (a change that could in the future be used by other developers as well) before it could even begin to consider all the other issues inherent in the owner’s proposal. That is not to say that we have prejudged the conceptual proposal that has been made by the Powell family, and found it not to be in the Borough’s best interest. Rather, what we are saying is the disposition of the Powell property is an issue of major importance to the Borough, and that the Borough has a wide variety of options that should be explored in a comprehensive, professional and deliberate manner before reaching any decisions.

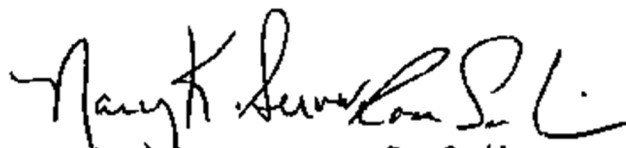
Thank you for your consideration of the issues we are raising.

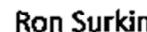
Sincerely,


The 2021 Candidates for Borough Council & Mayor


Marta Driscoll


Jeff Durst


Nancy Server


Ron Surkin


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