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December 1, 2025

Mr. Zachary Barner, AICP  
Director of Planning and Development  
East Whiteland Township  
209 Conestoga Road  
Frazer, PA 19355-1699

**Re: Final Land Development Plan for Data Centers  
13 S. Bacton Hill Road, Tax Parcels 42-3-130, 130.1 & 130.2  
East Whiteland Township, Chester County  
Waiver Request Letter**

Dear Mr. Barner:

On behalf of my client, Green Fig Land Company, LLC, owner and applicant of the subject parcels, I have prepared this 'Waiver Request Letter' regarding the waivers requested for the subject Land Development Plan. The waivers have been formally requested below and are listed on the plans.

**§170-306 & 175-37.K**

*A waiver from § 170-306, requiring infiltration to be provided to compensate for the reduction in recharge as a result of the proposed development. The waiver is appropriate because the site is heavily underlain with limestone geology and is a remediated brownfield site with groundwater monitoring wells. The site has been designed and approved in the past with this waiver due to the noted conditions. The Applicant has proposed a Managed Release Concept (MRC) design in accordance with the PA DEP's published MRC guidelines. When designed according to the DEP's established standards, MRC BMPs may provide adequate peak rate reduction to meet the Township Ordinance requirements and runoff retention, filtration and release to meet the water quality and runoff volume requirements of PA Code § 102.8(g)(2).*

**§170-307**

*A waiver from § 170-307, which requires a 3-inch minimum orifice in outlet structures to the BMPs. The waiver is appropriate, subject to approval by PA DEP, because the stormwater design incorporates managed release concept (MRC) rain gardens, which utilize a reduced orifice size in accordance with DEP guidance. The Applicant has proposed a Managed Release Concept (MRC) design in accordance with the PA DEP's published MRC guidelines. When designed according to the DEP's established standards, MRC BMPs may provide adequate peak rate reduction to meet the Township Ordinance requirements and runoff retention, filtration and release to meet the water quality and runoff volume requirements of PA Code §102.8(g)(2).*

**§175-23.B(1)(i):**

*A partial waiver from § 175-23.B(1)(i) which requires identification of all existing tree masses, tree lines, and hedgerows, and trees of 12 inches in caliper as measured 36 inches from the ground level, and identification of*

*the type and size of all individual trees 12 inches or greater in caliper that are proposed to be cleared and removed. The waiver is appropriate because the Applicant has indicated that all existing trees 6 caliper inches or greater have been shown on the Preliminary Plan and that any trees being removed have been noted. Identification of the individual trees is not necessary because the existing trees are in a remote part of the site.*

**§175-21:**

*A waiver from § 175-21, which requires the signature and seal of the Landscaping Plan by a Registered Landscape Architect. The waiver is appropriate because the Landscape Plan will be signed and sealed by a Professional Engineer, the proposed landscaping is minimal, and the proposed landscaping shall be reviewed by the Township Landscape Architecture Consultant.*

**§175-41.2.A(1):**

*A waiver from § 175-41.A(1), requiring sidewalks to be installed along road frontage. This waiver is appropriate because the Swedesford Road site frontage is limited to a relatively small area on Lot 2, which is encumbered by guiderail and other utilities, and is in an area that does not connect to any other sidewalk. The Applicant is instead installing a trail connection Malvern Hunt Way to the Chester Valley Trail, which will include a Swedesford Road crosswalk and ADA ramps on each corner where crossings are intended to occur.*

**§175-27.H**

*A waiver from §175-27.H, requiring that cuts and fills on a site not exceed 5 feet in depth with the exception of a basement area. This waiver is appropriate because the majority of the site has previously been disturbed and has many feet of fill which need to be relocated around the site to create flat building pads and stormwater management facilities.*

**§175-37.F:**

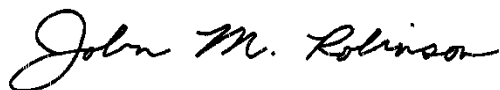
*A partial waiver from §175-37.F, requiring that all storm pipes shall have a minimum inside diameter of 18 inches. This waiver is appropriate because some of the drainage areas to inlets are minimal and conveyance calculations have been provided documenting that the pipe size, as shown on the plans, meets the requirements of the ordinance. The minimum storm sewer pipe size the Applicant is proposing is 15 inches.*

**§175-41.A(4):**

*A waiver from §175-41.A(4), requiring that planted areas shall be irrigated either by a permanent water system or by hose and irrigation plans, including pipe size and length, layout and type of head, shall be approved by the Township. This waiver is appropriate because the applicant is required to guarantee the proposed landscaping for a period of 18 months and will provide escrow in accordance with the ordinance requirements for the replacement of dead or dying plantings depicted on the plans.*

Please review this waiver and provide us with direction on the next step in the process. Should you have any questions on the submitted material, please do not hesitate to call.

Very truly yours,  
**JMR Engineering, LLC**



John M. Robinson, P.E., M.B.A.  
President