
ACRE Request for Review – West Vincent Township Enforcement [REDACTED] 1525 Hollow Rd

From [REDACTED] Joseph McCabe <joe@thesurefiregroup.com>
Date Tue 2/3/2026 8:35 AM
To ACRE Shared Mailbox <acre@attorneygeneral.gov>

 1 attachment (728 KB)
true and accurate driveways_compressed.pdf;

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Office of Attorney General
ACRE Review Program

I am submitting this letter as a formal request for review under Pennsylvania's Agriculture, Communities, and Rural Environment Act (ACRE), Act 38 of 2005, regarding enforcement actions and permit demands being imposed by West Vincent Township, Chester County, Pennsylvania.

Property and Agricultural Use

The subject property is located at [REDACTED] 1525 Hollow Rd, West Vincent Township, Chester County, Pennsylvania. The property consists of approximately 61 contiguous acres that are actively used for agricultural and farming purposes and include my primary residence. The property is enrolled in Pennsylvania's Clean and Green program (Act 319) and is subject to a [REDACTED] French & Pickering Conservation [REDACTED] easement, both of which confirm and protect its long-standing agricultural use and associated farm infrastructure.

Description of the Dispute

West Vincent Township is currently requiring me to obtain permits for work that constitutes routine maintenance of a longstanding, existing farm road/driveway located entirely on agricultural land. The road existed prior to the recent work as a dirt and grass farm lane and has historically served agricultural operations on the property. The work performed was limited to adding stone within the existing footprint of the road to improve safety, stability, and erosion control. There was no relocation, extension, widening, new access point, or change to the connection with the public roadway.

Despite this, the Township has taken the position that the road did not previously exist, relying primarily on satellite imagery and without conducting a site visit. The Township has refused an on-site inspection and has instead relied on aerial imagery and an internally prepared drawing that was materially inaccurate and did not reflect actual conditions on the ground. I have testimony from more than twelve individuals, including neighbors and persons familiar with the property over time, who are prepared to attest that this farm road has existed and been used for many years.

Enforcement and Permit Demands

The Township, through its Director of Codes, Permitting & Zoning, has formally required that I obtain permits for this work and has threatened issuance of a Notice of Violation if permits are not submitted.

These demands persist despite the fact that the work performed falls squarely within agricultural and maintenance-related exemptions under both state law and the Township's own ordinances.

I have previously submitted permits and information to the extent any were applicable. The Township is now requiring additional permits notwithstanding the clear agricultural nature of the property and the maintenance-only scope of the work.

Applicable Law and Basis for ACRE Review

The Township's actions constitute an unreasonable restriction on normal agricultural operations in violation of state law, including but not limited to:

- The Pennsylvania Agricultural Area Security Law (Act 43 of 1981, 3 P.S. §901–915), which prohibits municipalities from enforcing ordinances in a manner that unreasonably restricts normal farming operations and necessary farm infrastructure.
- The Pennsylvania Right to Farm Act (3 P.S. §§951–957), which protects routine agricultural activities and supporting infrastructure from improper municipal restriction.
- The Pennsylvania Stormwater Management Act (Act 167) and DEP regulations (25 Pa. Code Chapter 102), which treat agricultural earth disturbance and farm infrastructure maintenance differently from land development and emphasize erosion and sediment control rather than development permitting.
- PennDOT regulations (67 Pa. Code Chapter 441), which require permits only for new or modified access to state roads. PennDOT has confirmed that no permit is required in this case because the existing access point was not modified.

Additionally, West Vincent Township's own ordinances expressly exempt:

- Normal and customary maintenance and repair of an existing driveway (Chapter 163).
- Gravel and dirt surfaces from the definition of "pavement."
- Maintenance and resurfacing of existing gravel surfaces and agricultural impervious surfaces from stormwater permitting requirements (Chapter 302).

Request for Relief

I am requesting that the Office of Attorney General conduct an ACRE review to determine whether West Vincent Township's enforcement actions and permit demands, as applied to this property and this activity, violate Act 38 by unreasonably restricting normal agricultural operations.

I respectfully request that enforcement be reviewed and that the Township be directed to cease requiring permits and enforcement actions related to routine maintenance of this existing farm road.

Attached are copies of relevant correspondence, permit submissions, Township drawings, and documentation supporting the agricultural status and historical use of the property. I am prepared to provide additional documentation, witness statements, and photographs upon request.

Thank you for your time and consideration of this request.

Thanks in Advance,

[REDACTED]

Email: [REDACTED]

[REDACTED]



DRIVEWAY AND/OR ROAD OCCUPANCY PERMIT APPLICATION

1. MUNICIPAL USE ONLY			
Permit Received: / /	When ready: <input type="checkbox"/> Email <input type="checkbox"/> Call	Received as: <input type="checkbox"/> Walk-in <input type="checkbox"/> Mail	
Application Received by:		<input type="checkbox"/> Email	
Received:	<input type="checkbox"/> Two (2) physical copies of plans; must mark centerline of driveway <input type="checkbox"/> PDF of plans emailed through website Date Received: / /		
Permit Fees (DUE AT SUBMISSION):		<input type="checkbox"/> Cash	Date Received: / /
Driveway: <input type="checkbox"/> Residential \$300 <input type="checkbox"/> Commercial \$2,500 Road Occupancy: <input type="checkbox"/> \$200		<input type="checkbox"/> Check #	
<input type="checkbox"/> Homeowner's Association ("HOA") Approval: IF property is governed by HOA, you must provide project approval in writing by HOA before permit can be issued.			
Permit #	Date to BCO: / /	Date Issued: / /	

DO NOT ACTIVATE APPLICATION UNTIL PERMIT FEES & PLANS HAVE BEEN RECEIVED

2. LOCATION OF PROPOSED WORK	
Site Address: [REDACTED]	
Tax Parcel ID: 25 - ___ - ___	Lot # (if applicable):

3. TYPE OF WORK OR IMPROVEMENT	
<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	Applying for: <input type="checkbox"/> Driveway <input type="checkbox"/> Road Occupancy <input type="checkbox"/> Both
Flood Zone (choose one) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, is it being developed in that area? <input type="checkbox"/> Yes <input type="checkbox"/> No
Wetlands (choose one) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	If yes, is it being developed in that area? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is there any known easement, conservation agreement or encumbrance attached to this property?	
<input type="checkbox"/> Easement(s) <input type="checkbox"/> Conservation agreement <input type="checkbox"/> Encumbrance <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> No	
Is there existing roadside drainage that will require a pipe under the driveway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is stormwater/grading permit required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
Has stormwater/grading permit been submitted? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is a PennDOT Driveway Permit* Needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Copy Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<small>* The following is a list of State roads (if you will be adding or changing a driveway on a State Road you must also apply to PennDOT 610-436-1908). State roads: St. Matthews Rd, Pughtown Rd, Pottstown Pike, Conestoga Road, Chester Springs Rd (Rt 401 to W. Pikeland), Kimberton Rd to E. Pikeland, Hollow Rd (Birchrun Rd to French Creek), Flowing Springs Rd (Post Office to St. Matthews).</small>	
Description of Work (attach documents if needed): Description should include overall length and type of surface. New driveways or additional access points onto a roadway require a driveway permit (also known as a Road Occupancy Permit).	
Maintenance to Existing gravel + paved Driveways	



DRIVEWAY AND/OR ROAD OCCUPANCY PERMIT APPLICATION

4. OWNER Email:	
Name: [REDACTED]	Phone: [REDACTED]
Address/City/State/Zip: [REDACTED]	

5. CONTRACTOR Email:	
Name:	Phone:
Address/City/State/Zip:	

6. APPLICANT Email: [REDACTED]	<input checked="" type="checkbox"/> Same as owner
Name:	Relationship to owner: [REDACTED]
Company (if applicable):	Phone:
Address/City/State/Zip:	

I, THE UNDERSIGNED, IS EITHER THE OWNER OF THE PROPERTY OR WAS GIVEN PERMISSION BY THE OWNER AS THE APPLICANT TO MAKE THIS APPLICATION FOR THIS PROJECT ON THE ABOVE REFERENCED PROPERTY. I HEREBY MAKE APPLICATION TO COMMENCE THIS CONSTRUCTION PROJECT AS SPECIFIED HEREIN AND DO AGREE THAT THE PROVISIONS OF THE TOWNSHIP ORDINANCE WILL BE COMPLIED WITH WHETHER THE SAME HEREIN SPECIFIED OR NOT. IT IS UNDERSTOOD THAT THE TOWNSHIP SUPERVISORS MAY AT ANY TIME REVOKE AND/OR ANNUL THIS PERMIT FOR THE NON-PERFORMANCE OF OR NON-COMPLIANCE WITH ANY OF THE CONDITIONS, RESTRICTIONS AND REGULATIONS HEREOF. ANY PROPOSED CONSTRUCTION ACTIVITY WILL ALSO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND FOR PA FLOOD PLAIN MANAGEMENT ACT (ACT 166 1978, SPECIFICALLY SECTION 60.3) and THE PA DEP 25 PA CODE CHAPTER 05 FOR WETLANDS.

Applicant's Signature: [REDACTED] Date: 1-29-26