



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

June 18, 2004

David C. Braun  
Gerald A. Donovan Associates, Inc.  
429 S. Governors Avenue  
Dover, DE 19904

RE: PLUS review – PLUS #2004-05-11 – Twin Acres

Dear Mr. Braun:

Thank you for meeting with State agency planners on June 2, 2004 to discuss the proposed plans for the Twin Acres project to be located on Millington Road, near Clayton.

According to the information received, you are seeking site plan approval through Kent County to develop 152 residential units on 154.5634 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

**Office of State Planning Coordination – Contact: David Edgell 739-3090**

The western portion of this property is designated Investment Level 4, and the eastern portion of this property is designated Investment Level 3 according to the June 3 version of the State Strategies for State Policies and Spending, which has been approved by the Cabinet Committee on State Planning Issues. In general, this project is located in an area which is not anticipated for growth and development at this time. The State Strategies support rural and agricultural uses in Investment Level 4 areas, and acknowledge growth pressures countered by the need for sensitivity to agricultural and environmental issues in Investment Level 3 areas. While the Strategies indicate that State investments to support

growth and suburban development are not anticipated at this time, we acknowledge that the project may proceed under the relevant County ordinances.

We would like to suggest that the developers consider redesigning the site to take advantage of the rural location, scenic vistas, historic properties, and rural context. Our office has just published a publication titled Better Models for Development in Delaware which will provide some ideas and guidance. There may be ways to develop this property but to also design it in such a way that it fits in with the rural context of the area. Please don't hesitate to contact our office if we can be of any assistance in this regard, or if you would like to obtain a copy of our publication.

**State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685**

SHPO has noted that they are not in favor of this development for a couple reasons: first it is in the Rural Area of the State Strategies. Second, the property is listed in the National Register of Historic Places as part of the Kenton Hundred Multiple Resource Area. This National Register listing is of concern; however Ann McCleave has stated that she would like to correct some statements that were made during the meeting regarding this property and its listing in the Register. Anne did not have the opportunity to drive by the property before the meeting, but she did after the meeting and she found that the original house and outbuildings that were listed in the National Register as part of this property are no longer extant. The house and outbuildings that are now located on this property are more recent and therefore this property has lost its integrity and historic significance. Anne apologizes for the out-dated information she had at the meeting.

As a larger concern, there are other properties in this area listed in the National Register under the Kenton Hundred Multiple Resource Area nomination. The historic significance of the properties listed in this nomination is their rural and agricultural context. As projects, such as the one proposed in this application, continue to be developed in this area, the significance of these historic properties will be diminished and the county and nearby municipalities will lose their historic resources, which are important to the region as well as the state. Clayton and Kent County should be aware of these resources in this area and of the threats that current development is causing to these resources.

To summarize, the subject property has lost its historic significance and SHPO is no longer concerned with the existing buildings on the property proposed for development. SHPO is more concerned with the impact the development will have on the other National Register listed properties throughout the area and their historic rural context. Lastly, there is a high probability for prehistoric and historic archaeological sites within the proposed development area near the forest and the creek. It is recommended that the development stay out of the forested area.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

The proposed entrances would align with those of the Windsong Farms subdivision on the south side of Route 6.

Because the development is proposed for a Rural Area, it is inconsistent with the Strategies for State Policies and Spending. Therefore DelDOT will not participate in the cost of any road improvements needed to support this development.

Because the development is proposed for a Rural Area, DelDOT would prefer that the adjacent parcels not be developed. However, because the potential for their development exists, stub streets should be provided to the adjoining parcel on the east. DelDOT noted that they appreciate that the plan has been modified to show a stub street to the west from the southernmost east-west street.

According to the plan presented, the existing right-of-way for Route 6 is 60 feet wide. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads, such as Route 6. Therefore an additional 10-foot strip of right-of-way will be required to be dedicated across the entire frontage of the property.

In addition to the 10-foot strip just mentioned, will require a 15-foot permanent easement along the entire frontage of Route 6 for a bicycle and pedestrian path.

The existing entrance to the residual parcel should be removed and access to this parcel should be from an internal street. Access to all parcels within this development must be from internal subdivision streets only. Direct access to Route 6 will not be permitted.

While DelDOT has not yet determined what they would be, they anticipate requiring improvements to Route 6 as part of the entrance construction.

Access to corner lots and other lots with frontage on two or more roads will be from the secondary road, as determined by DelDOT, and not from the primary. This policy could affect several of the lots in the proposed development. For example, lot #58 will be required to have access from the cul-de-sac street. Lots #96 and #2 will be required to have access from the street going east/west and not from the entrance road.

The developer's engineer should coordinate with the DelDOT Subdivision Manager, Mr. George Shaw, regarding the comments above and more generally regarding our requirements for access and subdivision street plans. Mr. Shaw may be reached at (302) 760-2261.

Although DelDOT did no mention it at the meeting, it is recommended that sidewalks be provided on both sides of all internal streets.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-3091**

**Soils**

According to the Kent County soil survey, the following soils were mapped in the immediate vicinity of the proposed construction:

Well drained – Sassafras & Matapeake

Moderately well drained – Mattapex, Klej, and Woodstown

Poorly drained (**hydric**) – Mixed alluvial (floodplain)

Very poorly drained (**hydric**) - Pocomoke

Sassafras and Matapeake are well-drained upland soils that have few limitations for development. Mattapex, Klej, and Woodstown are moderately well-drained soils of low-lying uplands that have moderate limitations for development. Mixed alluvial is a poorly-drained floodplain soil (hydric) that has severe limitations for development. Pocomoke is a very poorly-drained wetland associated bottomland (hydric) soil that has severe limitations for development.

**Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of Palustrine forested and emergent wetlands along Providence Creek. Although site plans do not show any impacts to these areas, the applicant is still encouraged to conduct a wetland delineation in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1). Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process. **Further, the applicant is strongly encouraged to maintain a 100-foot minimum vegetative buffer width from the landward edge of all delineated wetlands and Providence Creek. Reforestation should occur in areas where the existing buffer is less than 100 feet wide.**

**TMDLs**

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or sub watersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Smyrna River sub watershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies

(BATS) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

### **Stormwater Management**

The applicant is encouraged to contact Jared Adkins, Kent Conservation District stormwater program, at (302) 697-2600 as soon as possible for a pre-application meeting. The use of “Green Technology” stormwater practices is encouraged as well, and DNREC is available to provide technical assistance for this project. Contact DNREC Sediment and Stormwater at (302) 739-4411.

### **Drainage**

The proposed lots 49-58 and lot 71 have existing drainage through them. Lots 52, 53, 54, 57, and 58 are impacted the most. If these lots are filled, what drainage provision is being made for the upstream landowner? The Drainage Section does not have a clear understanding of the proposed on site storm water drainage pattern. The current plot plan shows lots and street through an existing ditch/swale to a pond. The existing ditch/swale on the property provides drainage for the south side of Millington Road as well as the road ditches along Millington Road. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Section recommends that the lots 52, 53, 54, 57 and 58 be used for open space. If these lots are allowed to be filled and sold, a statement should be placed on the deed that the property has a filled ditch/swale and future drainage problems are very likely.

Please contact Bob Enright at 739-4411 to schedule a preliminary meeting.

### **Open Space**

The developer has kept lot lines out of both wetland areas and forested areas, helping to maintain the natural integrity of the stream corridor. In open space areas, consideration should be given to reforestation and no-mow grasses, to further enhance buffers and wildlife habitat. We request that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <[www.dnrec.state.de.us/fw/invasive.htm](http://www.dnrec.state.de.us/fw/invasive.htm)>. We further recommend the use of native plants and our botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

### **Recreation**

We recommend that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient

off-road access to neighboring communities, public mass transit stops, schools, stores, work etc. The reason given during the PLUS meeting for no road connections on the east side of the property is to minimize wetland disturbance. However, we recommend that a pedestrian easement be incorporated into the design to create a potential connection to the adjacent property to the east.

### **Underground Storage Tanks**

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

### **State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

#### **a. Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains, tank size (for storage), and expected static and residual water pressure.

#### **b. Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Millington Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

c. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

d. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Mark Davis 739-4811**

The DDA Planning Section has noted that they do not support development of this parcel. It is located in the “rural area” in an active and viable farming community. However, if this property is to develop, then they strongly urge the developer to reassess the design of the project to create a more attractive site plan. The State’s new publication, “Better Models for Development in Delaware” provides some design ideas for the developer to consider.

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

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**Public Service Commission - Contact: David Bonar 739-4247**

Because this development is planned in outside the growth zone, the developer should notify police, fire service and emergency medical organizations that serve this area.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP

Director

CC: Kent County  
Town of Clayton