



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 13, 2004

Mr. Bob Alexander
Town Manager
Town of Millville
P.O. Box 938
351 Atlantic Avenue
Millville, DE 19967

RE: PLUS review – PLUS 2004-06-20; Town of Millville Comprehensive Plan

Dear Mr. Alexander:

Thank you for meeting with State agency planners on June 23, 2004 to discuss the proposed Millville Comprehensive Plan amendment. It should be noted that this amendment is being done, in part, to facilitate the annexation of 815 acres for a mixed use development.

According to the information received, you are seeking to change your comprehensive plan to include an enlarged annexation area. Three areas are proposed for potential annexation. One is relatively small and is located on the east side of the town. It consists of the unincorporated area between Millville and Ocean View south of Whites Creek. The second area is larger and is generally north of the town. Its boundaries are Old Mill Road (Sussex Road 349), a series of property lines, part of Murray Road (Sussex Road 348A), another series of property lines, Delaware Route 17 and the existing north edge of the town. The third, and largest, area is generally south of the town. Its boundaries are Route 17, a series of property lines, Powell Farm Road (Sussex Road 365), Peppers Corner Road (also Sussex Road 365) and Beaver Dam Road (Sussex Road 368), and the existing boundaries of Ocean View and Millville.

Please note that additional changes to the plan, other than those suggested in this letter, could result in additional comments from the State.

This office has received the following comments from State agencies:

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

This is a very large annexation area amendment for a rather small town. This amendment certainly reflects growth pressures in the area, but there will be many challenges for Millville in the coming years as the administrative and service burdens increase. We encourage the Town to continue to work with adjacent municipalities, the County, and our office to ensure that growth is properly phased and that the town is capable of managing that growth. The following comments are separated into two sections, “Certification Issues” and “Recommendations and Advisory Comments.” Certification issues must be addressed for our office to consider certification of the plan amendment.

Certification Issues:

1. More detail is needed regarding the annexation area. Specifically, the annexation area should be described in terms of its overall size and acreage, potential build out, and environmental features and constraints. A separate map showing environmental features would be helpful in this regard. This is a certification issue which must be addressed before our office will consider certifying the plan amendment.
2. The plan amendment must contain a more detailed description and possibly a map series which describes the provision of sewer in the proposed annexation area. The amendment currently describes a variety of interrelated county projects with different parameters, timeframes, and requirements. How will these be managed by the County and the Town to ensure proper phasing and efficient allocation of sewer services? In addition, the plan amendment must describe how Millville’s planning actions (annexation, zoning, density, phasing of development, etc.) will be consistent with Sussex County’s planned sewer expansions. Land use planning actions have significant effects on the provision of sewer and other infrastructure and public services (and vice-versa) so it is extremely important that the Town work in conjunction with the service providers such as the County. Please see the comments from Sussex County at the end of this letter in which they express concerns that Millville’s proposed densities will be greater than they have planned for in their sewer planning studies, and ask that the town coordinate the density of new development with the County’s plans for sewer service. These issues should be resolved in the plan amendment, or at the minimum the plan amendment should contain a framework for resolving these issues as each development project comes up for subdivision review and approval.

Recommendations and Advisory Comments:

1. We strongly recommend that the Town of Millville engage the services of a trained and certified planning consultant to work on behalf of the town reviewing the many new subdivisions and large projects (i.e. the master planned community). The role of such a professional would be to ensure compliance with the towns codes and ordinances, and to work with Town officials and citizens to

make sure that the design of these development projects is consistent with the character of the Town.

2. The Plan amendment includes few statistics and little other information on the amount of growth that could be absorbed if the proposed annexation areas were annexed. Has the Town looked at how these annexations would affect its financial and administrative resources? It is recommended that the Town first develop a procedure for impact analysis that the Town could use to evaluate the relative costs and benefits of specific annexation requests. There are other Towns and Cities in Delaware that are performing this type of analysis. Please contact our office for more information on this topic if the Town would like to proceed.

3. The Plan section on “Provision of Utilities, Community Facilities and Service, and Transportation,” which begins on page 6, only the subsection on Wastewater Infrastructure is proposed for revision. The Town proposes a potential annexation area that is about four times the size of the existing town and about half of that land would be annexed in one action as part of the Millville Town Center project. While the Town presently provides relatively few services, one might expect that to change as the Town grows. The Plan presently does not address what those services might be or how they would be provided. It is recommended that the Town consider and address these questions as they work on this Plan amendment. If they are addressed in the Plan itself, that fact should be mentioned in the amendment.

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

As we stated in the July 2003 LUPA review for the Comprehensive Plan, the Town should gain a better understanding of their historic resources by surveying and inventorying the architecture and researching the history of the town. This should include the areas surrounding the town, which the Town wishes to annex and which are included in this Comp Plan Amendment. The survey would help determine the condition and significance of the resources (especially the agricultural resources that are being threatened with development) and the Town could then develop means for the resources’ preservation. This becomes important as the Town annexes land for development. Please refer to the comments our office supplied in July 2003.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT is presently developing a project to improve a series of local roads that, together, would serve as an alternative to Delaware Route 26. Those roads include Burbage Road, which is presently at the south edge of the town but would eventually be near the middle of it under the amended Plan. DelDOT asks that the Town include in its Plan measures to restrict development along Burbage Road to preserve its capacity as a through route.

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

The Department of Natural Resources and Environmental Control had no objections to the Town of Millville comprehensive plan amendment. As discussed at the meeting, the largest area set for annexation will be master planned and the developers of this area met with State agencies on June 23rd to discuss the proposed development. Specific comments regarding DNREC issues will be forwarded to the Town through the PLUS response letter for the Millville Township project.

The Town should be aware that the undeveloped lands surrounding the Town have several obstacles to face when preparing for development such as

- They are located adjacent to receiving waters of the Inland Bays. These are waters designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition.
- These parcels will also be subject to TMDL regulations set forth by DNREC.
- These parcels are compiled by a number of different soils, some of which contain hydric, or wetland associated, soil. There is the presence of extensive areas of farmed wetlands and Pulustrine wetlands within the annexation area, particularly within the southern portion of the annexation areas. There are extensive forested wetlands in the northwestern portion. The Town is encouraged to include a map with its comprehensive plan update that shows areas of wetlands using the state wetland maps. It is also recommended that a similar map be prepared which shows hydric soils, which are limiting to development.
- This area is within five miles of a known Delmarva Fox Squirrel population at the Assawomen Wildlife area. Delmarva Fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The Town should be aware that any construction in this area will have regulations to be followed regarding the Delmarva Fox Squirrel.

A population of *Apeltes quadracus* (fourspine stickleback) is found within the White Creek system. This species is dependent on calm, shallow, heavily vegetated waters for its habitat. If the area adjacent to the creek designated as ‘future residential’ is developed, measures should be taken to avoid impacts to submerged aquatic vegetation and to decrease sedimentation during construction.

- The Town should consider preservation of the forest resources within the proposed area. Forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. In addition, forests provide habitat for many species of plants and animals. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation.

The Town should be aware of the development limitations and require any and all landowners that plan to develop in these proposed areas to meet with the State early to determine what issues will need to be addressed. The Town should further consider ordinances that will increase buffers and help save the critical natural resources surrounding your town.

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:**
 - Water distribution system capable of delivering flows required by the State Fire Prevention Regulation
 - Where a water distribution system is proposed the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
 - All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
 - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - Show Fire Lanes and Sign Detail as shown in DSFPR

c. **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. 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.

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

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

e. **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”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- 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, technical services link, plan review, applications or brochures. Our point-of-contact for future projects is Duane Fox, Asst. Chief of Technical Services, 302-856-5298.

Department of Agriculture - Contact: Mark Davis 739-4811

It was noted that the Urban and Community Forestry section of DDA is currently working with the Town to expand and promote urban forestry.

Public Service Commission - Contact: David Bonar 739-4247

Tidewater currently services the Town. If the comprehensive plan amendment is passed and properties are annexed, the Town should notify the Public Service Commission.

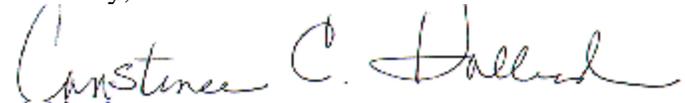
Sussex County – Contact: Rick Kautz 855-7878

The County Engineering Department states that: "This expansion area encompasses parcels within the Millville/North Millville Expansion area, the Beaver Dam Planning Area, two parcels already within the Ocean View Expansion Sanitary Sewer District (OVX) and two parcels currently contiguous to the OVX. Construction of the Millville/North Millville Expansion project is scheduled to be complete by June 2008. The Sussex County Engineering Department currently has no schedule to provide service to the Beaver Dam Planning Area. Two parcels are already in the OVX, and the other two parcels have connections from the OVX. The Sussex County Engineering Department is very concerned with the densities that the Town will allow in the new annexation area. The Town of Millville's zoning density exceeds the County's assumption for the planning area. Therefore, the new annexation area densities must conform to the South Coastal Area Planning Study densities, to assure adequate treatment capacity for all properties in the area." For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

If the Town adopts the comprehensive plan amendment, please notify this office and provide the Office of State Planning with update maps showing the proposed annexation areas. Also, please be aware that a Plan of Services will be required before the annexation can take place.

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

Sincerely,



Constance C. Holland, AICP
Director