



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

September 16, 2004

Mr. Gene McFann
P.O. Box 389
Dover, De 19903

RE: PLUS review – PLUS 2004-08-12; Lands of Gene McFann

Dear Mr. McFann

Thank you for meeting with State agency planners on September 1, 2004 to discuss the proposed plans for a subdivision to be located on White Oak Road east of Route 1.

According to the information received, you are seeking site plan approval through the City of Dover to place 3 residential lots on 1.0795 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 the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

This office has received the following comments from State agencies:

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

This project represents a minor subdivision application that will result in two additional single family units on White Oak Road, East of Route 1 in the City of Dover. This project is located in Investment Level 2 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. Although areas located in Investment Level 2 are typically seen as favorable for new development and State Investments by the State Strategies, the project's location East of State Route 1 is of particular concern.

It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County. Tens of millions of dollars have been spent by the State and Federal governments and by private conservation organizations to protect and preserve the natural environment and sustain a vibrant agricultural area that occupies some of the best farmland in the State. State investments East of Route 1 will be made for these purposes. The State recognizes that this is a very small project which is permitted by Dover's zoning and subdivision ordinances. However, please be aware that this project is inconsistent with the broader State policy regarding new growth and development East of Route 1 and that no State investments are expected to support this project.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Your engineer or surveyor should contact the DelDOT Central District Public Works Engineer, Mr. Robert Greybill, regarding their requirements for access. Mr. Greybill may be reached at (302) 760-2316.

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

Soils

According to the Kent County soil survey, Othello was mapped in the immediate vicinity of the proposed construction. Othello is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, no wetlands were mapped on subject parcel. However, the exclusive presence of a hydric soil mapping unit (Othello) soil mapping unit on this parcel contradicts the findings of the SWMP. Since soil mapping is generally a more accurate predictor of wetland conditions (especially in areas previously farmed) than the SWMP, its use is preferable. **On the basis of the available information, the Department strongly recommends an Army Corps of Engineers (ACOE) approved wetlands delineation be conducted prior to proceeding beyond the initial planning stage.**

Further, it is recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous

“fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

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 subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Leipsic River subwatershed, 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.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Drainage

The Drainage Section is aware of existing drainage problems in the area of this project associated with poor drainage of road ditches as well as private ditches. The Drainage Section recommends that the ditch on the west boundary of this property be evaluated, and cleaned if needed, prior to selling of the lot. 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.

Habitat

As the design phase of this project moves forward, DNREC strongly encourages the landowner(s) to consider preservation of upland, riparian, and wetland forests on these parcels. 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. DNREC would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact the office if the landowner(s) is interested in more information.

Revegetation

DNREC has requested 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>. They 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.

Underground Storage Tanks

There are no LUST sites located near the proposed projects. 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.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer should be maintained 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.

Public Service Commission - Contact: Andrea Maucher 739-4247

The PCS verified that the project is within a certificated area for the City of Dover.

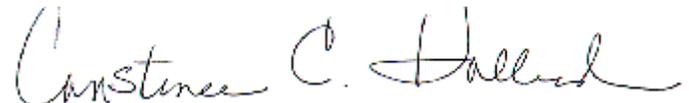
Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

If the City has not already done so, they will need to notify the commission of the areas to which it is providing wastewater services.

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: City of Dover