



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 22, 2005

Ms. Molly Mackil, P.E.
Vandemark & Lynch, Inc.
P.O. Box 2047
Wilmington, DE 19899

RE: PLUS review – PLUS 2005-03-06; Ferry Street Subdivision

Dear Ms. Mackil:

Thank you for meeting with State agency planners on April 6, 2005 to discuss the proposed plans for the Ferry Street Subdivision project to be located on the north side of the Ferry Street Cut-off in the City of New Castle. According to the information received, you are seeking to subdivide 18.573 acres to create two additional parcels and a 50-foot right-of-way to serve them.

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 New Castle is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

Natural and Cultural Resources

- The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all wetlands and waterbodies. Efforts to maximize or expand (beyond the recommended 100-foot minimum) the existing natural buffer width with native herbaceous and/or wood vegetation, is also strongly recommended.
- To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated along the forested/riparian areas.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

We appreciate the City of New Castle bringing this project through the PLUS review process. We strongly recommend that in considering development proposals for this property that the City consult the "Better Models For Development in Delaware " book available through our office. We feel it is particularly important to pay attention to the town's historic character, especially considering that this is a very visible entrance to the City.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

Nothing is known on this parcel, and it does not appear to have been developed in historic times, since it was in the ownership of the Trustees from very early in the City's history. There is some potential for a prehistoric period archaeological site near the tree line behind the currently developed lots. The SHPO would be happy to work with the Trustees to locate and perhaps preserve any such site in open space when the Trustees are ready to build the proposed entrance and service road and/or develop the rear lots.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Trustees' engineer should contact our Subdivision Manager for New Castle County, Mr. John Schneider, regarding our specific requirements for access. Mr. Schneider may be reached at (302) 760-2263.

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

Soils

According to the New Castle County soil survey Aldino, Mattapex, and Tidal Marsh were mapped in the immediate vicinity of the proposed construction. Aldino and Mattapex are moderately well-drained soils that occur of low-lying uplands and have moderate limitations for development. Tidal Marsh is a very poorly drained wetland associated (**hydric**) soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of estuarine wetlands on this parcel. Site plans show impacts to and estuarine wetlands and a drainage ditch.

The developer and County should note that impacts to these wetlands and drainage ditches are regulated by both the DNREC Wetlands and Subaqueous Lands Section and the Army Corps of Engineers through the Delaware Subaqueous Lands Act and Section 404 of the Federal Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

Because there is strong evidence that federally regulated wetlands exist on site, a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified by the Corps of Engineers through the Jurisdictional Determination process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all wetlands and waterbodies. Efforts to maximize or expand (beyond the recommended 100-foot minimum) the existing natural buffer width with native herbaceous and/or wood vegetation, is also strongly recommended.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for the Delaware Bay watershed and associated tributaries within the vicinity of the proposed project to date, work is currently progressing on their development and they should be available in the near future.

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

The project information sheets state that the City of New Castle will be used to provide water for the proposed project. Our records indicate that the project is located within the public water service area granted to NCC Water & Light Co. under Certificate of Public Convenience and Necessity number 88-WS-05. It is recommended that the developer contact the NCC Water & Light Co. to determine the availability of public water. Any questions concerning CPCNs should be directed to the Public Service Commission at 302-739-4247. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

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.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction

inspection will be coordinated through New Castle Conservation District. Contact New Castle Conservation District at (302) 832-3100, Ext. 3, for details regarding submittal requirements and fees.

It is strongly recommended that you contact New Castle Conservation District to schedule a preapplication meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption. This site may be eligible for a waiver of stormwater quantity management due to a discharge to tidal water. Stormwater quality management will still need to be addressed.

Due to the sensitive location of the site, it is recommended that a Certified Construction Reviewer (CCR) be used for the site during construction.

Floodplains

The entire site is within the 100-year floodplain. Future construction activities must comply with the City's floodplain regulations.

Forests

According to 2002 aerial photos there is a forested area within this parcel. This forest provides important habitat, wildlife connectors, and air quality and water quality benefits. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. This includes other forests portions and the "wooded wetlands".

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated

along the forested/riparian areas. Doing so will accomplish two things: it will preserve and expand the existing buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Rare/Threatened/Endangered Species

DNREC has never surveyed this parcel, so their database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities on the project parcel. However, DNREC does have records of rare plants within the freshwater wetlands on the adjacent parcel and it is possible that this species and possibly others occur on the project parcel. To avoid impacts to rare species, surveys are recommended.

Underground Storage Tanks

There are five inactive LUST site(s) located near the proposed project:

Knotts Inc, Facility # 3-000491, Project # N9204103

City of New Castle, Facility # 3-000617, Project # N0001011

St. Peters Church, Facility # 3-001810, Project # N9709131

William Robinson Residence, Facility # 3-001603, Project # N9507153

Colonial School District, Facility # 3-000781, Project # N0402029

No environmental impact is expected from the above inactive/active LUST site(s). 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.

Public Service Commission - Contact: Andrea Maucher 739-4247

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.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Due to a significant portion of this property being located in the Special Flood Hazard Area inundated by the 100-year flood, a significant impact to public safety is foreseen by implementation of this project.

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If this area is further developed, the developer should notify the police, fire service, and emergency medical response organization serving the City of New Castle, to keep them apprised of all development activities.

This area could also experience possible flooding from a category 2 or greater hurricane. Routes 9, 13, 141, and 273 are coastal storm evacuation routes and this area will be affected by traffic volume on these routes during a coastal storm event.

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". The signature is written in black ink and is positioned above the typed name and title.

Constance C. Holland, AICP
Director

CC: City of New Castle