STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 11, 2005

Mr. Doug Liberman
Larson Engineering, Inc.
2717 Pulaski Highway
Newark, De 19702

RE: PLUS review – PLUS 2005-06-22; North Dover 20

Dear Mr. Liberman:

Thank you for meeting with State agency planners on June 22, 2005 to discuss the proposed plans for the North Dover 20 project to be located on the north side of Fork Branch Road, 2,200 feet west of Route 13.

According to the information received, you are seeking a rezoning from IL to R-S5 for 60 manufactured home units on 20 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.

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.***

State Strategies/Project Location

This project is located in an Investment Level 2 area according to the *Strategies for State Policies and Spending.* **The State is opposed to this rezoning request.** The certified Kent County Comprehensive Plan identifies this parcel for industrial use, and the State concurs that this is the most appropriate use for this property. The State Planning Office has two serious concerns regarding this rezoning request:

- The rezoning will reclassify rare and valuable industrial land that could be used for economic development and job creation. The parcel itself seems ideally suited to such use due to its location in the vicinity of existing industrial uses and a rail line.

- The parcel does not appear to be suited for residential use due to the proximity to the above mentioned industrial uses and the rail line. Residential development in this location may lead to health and safety issues as well as noise complaints from future residents. Please see the detailed comments from the Delaware Economic Development Office summarized below, and described in more detail later in this letter.

Economic Development

The Delaware Economic Development Office is opposed to this rezoning request. The following is a summary of their concerns:

- The site is across the street from *Dow Reichhold Specialty Latex*. This is an active, successful manufacturing facility providing high wage jobs. The 24 hour operations of this plant, which include truck and rail traffic as well as noise and odors, would negatively impact future residents.

- According to the Environmental Protection Agency's Risk Management Program Regulations the parcel is located "inside the plume of an accident" according to their model. Residents at this location would be at risk in the event of an accident at *Dow Reichhold.*.

- *Dow Reichhold* considers this application to be an unacceptable encroachment on their operation. Officials with this company have told DEDO that if this rezoning occurs their corporate offices would seriously consider relocating this facility to another State. The direct economic impact of this facility is $12.9 million in Kent County, and would be jeopardized if this rezoning is approved.

- *Chesapeake Utilities* has a "peak shaving facility" next to this site which currently contains ten 55,000 gallon propane tanks and is expected to expand. A *Delmarva Power* substation is also adjacent to the site.

- DEDO has a serious concern about losing appropriately zoned industrial land.

Street Design and Transportation

It is recommended that the developer consider providing a suitable fence along the railroad right-of-way to discourage children and pets from entering it. Similarly, or perhaps in place of a fence, they would recommend that the developer consider providing a noise barrier to attenuate the train noise as much as possible.

Natural and Cultural Resources

Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex.

Where stormwater pipes within the proposed subdivision that are not able to be located along a street, the Drainage Section strongly recommends such drainage conveyances be dedicated as a 30-foot drainage easement and such easement be designated as passive open space, not owned by individual landowners.

PLUS materials indicate that 5.8 acres of forest will be removed. Although small this area can provide shade, visual screen and wind block, and can add spring and fall color to a new neighborhood. Because it is small, the developer is encouraged to direct construction activities away from this area and preserve the forested resources on site.

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

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

The State is opposed to this rezoning request. The certified Kent County Comprehensive Plan identifies this parcel for industrial use, and the State concurs that this is the most appropriate use for this property.

The rezoning of this property is at the discretion of Kent County Levy Court. Should the Levy Court ultimately choose to grant this rezoning request, a comprehensive plan amendment will be required. This rezoning is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. In this case industrial growth is most appropriate. Our office has two significant concerns regarding this request that we encourage the applicants and the County to consider:

- **Loss of Industrial Lands:** This site is a viable industrially zoned parcel that would be a potential benefit to the State, County and the applicants if used for economic development. The site is located adjacent to a rail line and is across the

street from a chemical manufacturing plant. It appears to be ideally situated for some sort of industrial or economic development use that would provide needed jobs and economic activity in Kent County.

- **Parcel Not Ideal for Residential Use:** Our office does not consider this parcel to be desirable for residential use. The proximity of the parcel to the existing chemical manufacturing plant, propane storage, and electrical substation may cause safety and health concerns for future residents. The proximity of residential uses to the chemical plant will be regarded as encroachment by the plant, jeopardizing the long term viability of that enterprise in that location. The proximity of the rail line may lead to noise complaints from the future residents.

Our office strongly encourages Kent County Levy Court to weigh these factors with the desires of the applicants when considering this rezoning request. We also suggest that the County should give great weight to the DEDO comments found elsewhere in this letter.

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

Nothing is known on this parcel. It is across the railroad track from a historic house in the triangle of McKee and Fork Branch roads. There are other historic houses nearby along both these roads. While Beers Atlas of 1868 shows a house to the north, it does not appear to be close to this parcel. There is a medium potential for a prehistoric-period archaeological site here.

There apparently could be wetlands on this parcel. If this rezoning goes through and the development project requires an Army Corps of Engineers permit, the developer will be required to consult with this office under Section 106 of the National Historic Preservation Act of 1966 (as amended) and may be required to hire an archaeological consultant to conduct archaeological testing.

In the event that a permit is not required, the State Historic Preservation Office requests the opportunity to check the parcel for an archaeological site and learn something about its character prior to any construction taking place.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The site's location, immediately adjacent to the Norfolk Southern railroad tracks, raises concerns about safety and noise. With regard to safety, it is recommended that the developer consider providing a suitable fence along the railroad right-of-way to discourage children and pets from entering it. Similarly, or perhaps in place of a fence, they would recommend that the developer consider providing a noise barrier to attenuate the train noise as much as possible.

Recently, DelDOT reviewed a traffic impact study for North Dover Park Center, a proposed development located immediately east of the subject land with frontage US Route 13. That development would redevelop Victorian Village, combining it with other lands. The resulting development would consist of a 117,891 square foot shopping center with four pad sites and a 104-lot active adult community. A copy of our letter to Kent County, commenting on that study, is enclosed.

Because DelDOT is preparing to install a traffic signal at the intersection of Fork Branch Road and US Route 13, it would be desirable to provide the subject development with access to Fork Branch Road through the land to the south. That land is bisected by a private right-of-way extending from Fork Branch to the north property line. DelDOT recommends that the site plan be configured to provide for future access to that private road.

If the proposed rezoning is approved, the developer's site engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb, regarding specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

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

Soils

According to the Kent County soil survey, Sassafras was mapped in the immediate vicinity of the proposed parcel. Sassafras is a well-drained upland soil that, generally, has few limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine farmed wetlands in this parcel.

Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

Impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the 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.

It is also 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 is Sally Griffin—she can be reached at 678-4182.

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.

Impervious Cover

The applicant did not offer any projected impervious percentage cover figures in their application. Given the environmentally sensitive nature of this watershed, the Watershed Assessment Section believes the applicant should be proactive and reduce imperviousness to the greatest degree practicable. Using pervious materials (where possible) in lieu of impervious paved surfaces (asphalt or concrete) and the planting of trees, are examples of BMPs that can significantly help to reduce the amount of pollutant-laden surface runoff.

Department believes that the applicant should be proactive through implementation of innovative devote more effort to the implementation of innovative efforts or BMPs to reduce impervious cover. The Department believes that the amount of imperviousness generated by this project (approximately 24%) is significant and should be reduced.

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 St. Jones 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

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1190.

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 **Kent Conservation District**. Contact Jared Adkins at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Drainage

The Drainage Section is aware of current and historical drainage problems in this area. The drainage to the northeast of this project was improved in 2000 by way of a drainage improvement project involving DNREC Drainage Section and the Kent Conservation District. The Drainage Section requests a downstream analysis to determine if there is sufficient downstream capacity to provide an adequate outfall for this project. The Drainage Section is currently investigating drainage concerns to the southwest of this project.

Concerning future maintenance of drainage conveyances, the Drainage Section requests the majority of the stormwater pipes on this project be located on drainage and utility easements along the streets.

Where stormwater pipes within the proposed subdivision that are not able to be located along a street, the Drainage Section strongly recommends such drainage conveyances be dedicated as a 30-foot drainage easement and such easement be designated as passive open space, not owned by individual landowners. Designation as open space will aid in the prevention of garages, sheds, fences, and kennels placed along the drainage conveyance preventing the maintenance of said conveyance. All stormwater pipes should be placed in the center of the 30-foot drainage easement. The easement should be planted as vegetated buffers. Trees and shrubs planted within drainage easements should be spaced to allow for mechanized drainage maintenance or the reconstruction of drainage conveyances.

Along an open ditch or swale, the Drainage Section recommends a maintenance equipment easement of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback easement measured from top of bank on the non-maintenance side to be designated as passive open space, not owned by individual landowners. Designation as open space will aid in the prevention of garages, sheds, fences, and kennels placed along the drainage conveyance preventing the maintenance of said conveyance. These easements should be planted and maintained as vegetated buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance easement should be native species, spaced to allow for mechanized drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.

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.

Forests

PLUS materials indicate that 5.8 acres of forest will be removed. Although small this area can provide shade, visual screen and wind block, and can add spring and fall color to a new neighborhood. Because it is small, the developer is encouraged to direct construction activities away from this area and preserve the forested resources on site.

Any lands set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection mechanism. 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

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established,

these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

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.

Nuisance Waterfowl

If stormwater management ponds are incorporated into the site plan they may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured grasses around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, property managers or owners will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recreation

The proposed plans provide active open space within a 50-foot buffer that runs parallel to the railroad tracks. Although the project is targeted for age 55+, it is likely that the residents will have visitors that include children. While a buffer along the railroad is needed, the active open space would be better located somewhere else on the property.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Reichold Chemicals, Facility # 1-000041, Project # K9109194

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.

Site Investigation and Restoration

There are five SIRB sites located within a 1/2 mile radius of the proposed project:

Reichold Chemicals, DE-0245
Cheswold Landfill, DE-0002
Paradee Oil-Dover, DE-0231
Paul's Antiques, DE-1095
Mays Body Shop, DE-0273

DNREC-SIRB does not foresee any negative impacts from these sites to affect the proposed project.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 4.6 tons (9,209.4 pounds) per year of VOC (volatile organic compounds), 3.8 tons (7,624.7 pounds) per year of NOx (nitrogen oxides), 2.8 tons (5,625.7 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (500.8 pounds) per year of fine particulates and 385.2 tons (770,352.4 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 1.9 tons (3,714.6 pounds) per year of VOC (volatile organic compounds), 0.2 ton (408.7 pounds) per year of NOx (nitrogen oxides), 0.2 ton (339.2 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (437.7 pounds) per year of fine particulates and 7.5 tons (15,058.0 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 0.7 tons (1,472.2 pounds) per year of NOx (nitrogen oxides), 2.6 tons (5,120.6 pounds) per year of SO2 (sulfur dioxide) and 377.6 tons (755,294.4 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO_2	$PM_{2.5}$	CO_2

Mobile	4.6	3.8	2.8	0.3	385.2
Residential	1.9	0.2	0.2	0.2	7.5
Electrical Power		0.7	2.6		377.6
TOTAL	6.5	4.7	5.6	0.5	770.3

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.7 tons of nitrogen oxides per year and 2.6 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, http://www.energystar.gov/:

"ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment."

Our energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. We highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

State Fire Marshal's Office – Contact: John Rossiter 302-739-4394

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):

- ***This Agency has no objection to the re-zoning request. The information provided below are for when plans are being designed.***

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.

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 Fork Branch 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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
- 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, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Department of Agriculture has no objections to the North Dover 20 rezoning application. It is in a location where growth is supported by the *Strategies for State Policies and Spending.*

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 State Housing Authority – Contact Karen Horton 739-4263

While DSHA supports proposals that create housing opportunities for seniors, the location of the development, because of its close proximity to existing railroad and industrial land, raises serious health, safety, and environmental concerns for the future residents of the development. Seniors require additional health, transportation, and other support services to enable them to remain active and independent. The development as proposed is not the most suitable site for senior housing and may be difficult to service by fire, police, and other emergency personnel.

Delaware Economic Development Office - Contact: Gary Smith 739-4271

The Delaware Economic Development Office (DEDO) does not support the rezoning and potential development of 60 residential units to be built on this 20 acre property. Based on our conversations with officials from ***Dow Reichhold Specialty Latex*** and ***Chesapeake Utilities*** the DEDO offers the following comments.

The proposed site is directly across the street from a chemical manufacturer, ***Dow Reichhold Specialty Latex LLC (DRSL)***, a company which employs 106 high wage local individuals. The company is a safe and productive contributor to the Kent County economy. The company is a good neighbor to local residents, but it is an industrial facility. They operate seven days a week twenty four hours a day. They have truck and railroad traffic at all hours of the day and night. The railroad tracks along the west side of

the facility also serve other businesses in the area. There would be no buffer to cushion the truck traffic or rail car deliveries.

Since the national tragedy on September 11, 2001, much attention has been given to issues of safety and security on many levels, including chemical facilities and U. S. Railways. DRSL has addressed security concerns and been diligent about continuing to improve the security of the facility. Improved security, however, includes the proximity of residential areas to the plant. The closer any residential housing is to the plant, the greater the potential risk.

Housing developments to the southeast of the plant are approximately ½ of a mile away from the facility, with a natural tree buffer. Housing developments to the east of Highway 13 are also between ½ to ¾ miles from the plant. The area proposed for rezoning is immediately across the street, less than ¼ of a mile away. If residents are able to locate in this area, they would be "inside the plume of an incident" as defined in modeling for the Environmental Protection Agency's (EPA) Risk Management program regulations.

In the mid 1990s DRSL received numerous odor complaints from people living east of Highway 13. The employees in the manufacturing facility worked diligently to resolve these issues, at a cost to DRSL of more than $1.5 million. Fortunately, the efforts paid off and the company has received only one odor complaint during the last two years. DRSL is concerned that while a certain level of noise and potential odors exist with any successful manufacturing facility; these issues would be magnified dramatically for residents living directly across the street.

Local officials from Dow Reichhold Specialty Latex have told our office that if the rezoning is approved their corporate executives would seriously consider relocating this manufacturing facility to another state. DRSL has been evaluating the cost of doing business in Delaware versus other states for the past three years. Part of their analysis includes their corporate image, standing in the community, productivity, and expenses in addition to support from Kent County and the State of Delaware. The direct economic impact of this manufacturing facility in Kent County, Delaware is $12.9 million.

Governor Ruth Ann Minner has targeted the chemical industry as a vital component to Delaware's economy. The Delaware Economic Development Office (DEDO) has a Chemical Cluster program that includes DRSL as a critical participant in the program. Through the Cluster program our office is working to grow and strengthen our existing manufacturers by encouraging, supporting, and planning a proper manufacturing environment. The loss of DRSL would have a significant impact on the Chemical Cluster given its involvement with other companies in the Cluster.

Chesapeake Utilities has a peak shaving facility next to the proposed residential site. This site is a storage and operations facility that has propane storage in mounded 55,000 gallon tanks. There are currently 10 tanks on the site. In addition there are air compressors and vaporizers that enable Chesapeake to create a mixture of propane and

air, which is injected into their natural gas distribution system at this location to supplement their supply during periods of peak demand. The facility also has various pumping equipment and two railcar unloading racks. The Chesapeake operation requires truck and rail traffic regularly. This operation is expected to expand and increase in the number of tanks as the company continues to grow in the coming years. The expansion of the facility was previously authorized through the normal permitting process.

There is a ***Delmarva Power*** substation next to this site in addition to the rail line.

Rezoning of this site to build a 55+ residential community does not appear to lend itself to the neighborhood. Industrial companies are being courted every day to relocate their operations to other states and this is the type of change that might have a large manufacturer reconsider if this is the right location for them. It definitely would send a message that Kent County and Delaware does not support their existing businesses and would make it almost impossible to attract a new business to the area and to that specific facility if this company decided to relocate.

The DEDO has a serious concern over the lack of industrial land that is available for development. If this parcel is rezoned to accommodate a residential development we lose another industrial opportunity in addition to signaling to the business community that we condone residential encroachment on established industries. Our office is trying to encourage job creation for the citizens of our state and we find ourselves taking steps backwards in that task when we lose one of the resources available to us, appropriately zoned land.

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,

Constance C. Holland, AICP
Director

CC: Kent County