



October 26, 2006

Sean Sokolowski
Capital School District
945 Forest Street
Dover, De 19904

RE: PLUS review – PLUS 2006-09-02; Capital School District – Carey Site

Dear Mr. Sokolowski:

Thank you for meeting with State agency planners on October 3, 2006 to discuss the Carey property, located on Route 8 west of Mifflin Road in Dover, as a proposed school site for the Capital School District.

According to the information received, you are seeking comments regarding the proposed site to determine the feasibility of locating a school for the Capital School District.

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.

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 proposed school site is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. This site is also located within the City of Dover. Public facilities, such as schools, are desirable in Investment Level 2 areas where they are located near infrastructure, public services, and the populations they serve. The State **supports** this location for new school construction.

Street Design and Transportation

- Route 8 is classified as a minor arterial road. 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 minor arterial roads. Therefore DelDOT would require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT would also require a 15-foot wide permanent easement across the frontage of the site for a shared use path.
- There are two desirable locations for access to this site, one across from the Heatherfield East subdivision entrance and one a minimum of 1,000 feet west of the entrance to the Cranberry Run subdivision. As discussed in Comment 4 below, both might be needed.
- On the south side of the site, two City of Dover subdivisions, the Village of Canon Mill and the Village of Westover, each include a stub street leading to the site. It would benefit both the school district and area residents to have those stub streets extended through the site to Route 8 and to have the school site accessed by those extensions. Preliminarily, that is what DelDOT would require if this site is selected.
- DelDOT would require that the Route 8 site be improved as necessary within the limits of the site frontage to meet our standards for minor arterial roads. Preliminarily, widening does not appear to be necessary to meet standards, but

milling and overlaying might be needed to provide for adequate pavement. If additional paving were required it would be limited to the site frontage.

Natural and Cultural Resources

- If this parcel is chosen, the DHCA would appreciate the opportunity to record any historic buildings that may survive here prior to any demolition activities. In addition, they would appreciate the opportunity to look for archaeological sites and learn something about their location, nature, and extent prior to any ground-disturbing activities.

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

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

This proposed school site is located in Investment Level 2 according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. This site is also located within the City of Dover. Public facilities, such as schools, are desirable in Investment Level 2 areas where they are located near infrastructure, public services, and the populations they serve. The State **supports** this location for new school construction.

During the PLUS meeting we discussed two prominent site features which could influence the site design of a school on the site. One feature is a farm drain ditch that does receive overflow drainage from adjacent properties during severe rain events. The other feature is a high tension power line that bisects the site. It is recommended that the district evaluate the feasibility of relocating these features and/or develop some conceptual site plans that integrate them into a school design. This should be done before a final decision is made to purchase the property.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs would support the use of this parcel in Level 2 for a school. Nothing is known in this parcel. Beers Atlas of 1868 shows the Rev. C. Huntington House where the existing buildings are, and the W. H. Ennis House on Forrest St in the western end of the parcel. The USDA 1937 aerial shows some additional development west of the Huntington House, which may be another house or a barn. There are areas of high potential for prehistoric-period archaeological sites here as well.

If the ditch running through the property will be altered, the school district will probably need an Army Corps of Engineers wetlands permit. If that is the case, the school district will be required to consult with us under Section 106 of the National Historic Preservation Act of 1966 (as amended), and may be required to undertake archaeological testing, depending on the Corps area of jurisdiction.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Huntington and Ennis houses, usually a good distance behind or to the side of the house. The school district should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the district may want to hire an archaeological consultant to check for the possibility of a cemetery here. The DHCA would have to have a copy of any archaeological report done for this purpose. They will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

If this parcel is chosen, the DHCA would appreciate the opportunity to record any historic buildings that may survive here prior to any demolition activities. In addition, they would appreciate the opportunity to look for archaeological sites and learn something about their location, nature, and extent prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Route 8 is classified as a minor arterial road. 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 minor arterial roads. Therefore we would require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) DelDOT would also require a 15-foot wide permanent easement across the frontage of the site for a shared use path.
- 3) There are two desirable locations for access to this site, one across from the Heatherfield East subdivision entrance and one a minimum of 1,000 feet west of the entrance to the Cranberry Run subdivision. As discussed in Comment 4 below, both might be needed.
- 4) On the south side of the site, two City of Dover subdivisions, the Village of Canon Mill and the Village of Westover, each include a stub street leading to the

site. It would benefit both the school district and area residents to have those stub streets extended through the site to Route 8 and to have the school site accessed by those extensions. Preliminarily, that is what DeIDOT would require if this site is selected.

- 5) DeIDOT would require that the Route 8 site be improved as necessary within the limits of the site frontage to meet our standards for minor arterial roads. Preliminarily, widening does not appear to be necessary to meet standards, but milling and overlaying might be needed to provide for adequate pavement. If additional paving were required it would be limited to the site frontage.

If this site is selected, the District's site engineer should contact our project manager for Kent County, Mr. Brad Herb, regarding our specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Recommendation for Feasibility:

Based on the Kent County soil survey, Sassafras, Woodstown, Fallsington, and Othello were mapped on subject parcel(s). Sassafras is well-drained upland soil that, generally, has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington and Othello and wetland associated (hydric) soils that have severe limitations for development. Most of the parcel(s) mapped soils are well-drained Sassafras soils (approximately 70-80%).

Based on the Statewide Wetland Mapping Project (SWMP) maps, no wetlands were mapped on subject parcel.

This parcel is located within Investment level 2 of the State Strategies where the State fully supports development. This parcel also has relatively few environmental constraints and is likely to easily obtain connection to central sewer.

Water Supply

The project information sheets indicate that the source of water service to the project is unknown at this time and/or yet to be determined. Our records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and

necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Since an on-site public well will be needed, it must be located at least 150 feet from the outermost boundaries of the project. 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 wells.

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 302-739-9944.

Sediment and Erosion Control/Stormwater Management

The existing ditch on the property does not collect a direct discharge from offsite stormwater management ponds of Village of Westover and Village of Cannon Mill, but the stormwater ponds on those projects are designed to overflow into the ditch on the Carey property. The ditch should not be filled in without providing a means for conveying offsite flows. The site contains Fallsington soils in the area of the existing ditch. Fallsington soils tend to have a high groundwater table, unless drained. The ditch is providing drainage for these soils. An open ditch may be necessary even after development to provide drainage to the soils. It is recommended that a thorough soil investigation of the site take place prior to siting the buildings, fields, etc. so that you may take advantage of soils having good infiltration.

Drainage

The Drainage Program requests that the engineer take precautions 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

Program requests that the engineer check existing ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

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

2006-09-02 Capital School District will be within the City of Dover, thus the Dover Fire Marshal's Office will have to comment.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed application for a school site. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 2, and the parcel has recently been annexed into the City of Dover.

The proposed school site is within 300 feet of a property permanently preserved through the State's Agricultural Lands Preservation Program (Massey-Draper Expansion of the Raughley District, (Parcel # 2-05-07500-01-0200)). Therefore, the farming activities conducted on this preserved property will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects **all new deeds** in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A) (2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the

production of crops which have been subjected to the application of land applied federally regulated chemicals.

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.

Department of Education – Contact: John Marinucci 739-4658

1. The DOE supports locating school facilities on parcels with existing or reasonable access to civil infrastructure to include but not limited to:
 - Roads, pedestrian walkways and shared use paths
 - Waste water/sewerage and domestic water
 - Electric, and telecommunications
 - Storm water drainage and conveyance

School sites with public water and sewer utilities or access to public water and sewer utilities are recommended by DOE over sites requiring on-site facilities. This school site appears to offer access to adequate public civil utilities.

2. The DOE supports the State Strategies for Policies and Spending. When considering school facility locations, the DOE considers proximity and access to basic support services as a high priority.

The school location under consideration appears to be in investment level 2, as well as a developing area, as a result basic support service levels will reflect a commensurate level of service associated with investment level 2.

3. The DOE supports locating school facilities strategically within the geographic region and/or community the facility is intended to serve in order to:
 - Encourage non-student pedestrian access to the school facility in an effort to reduce vehicle miles traveled to the extent practical
 - Encourage student pedestrian access to the school facility, in order to contain the school's life-cycle operating costs associated with student transportation, as practicable
 - Create education campuses by co-locating educational facilities and services in an effort to reduce life-cycle costs as a result of the co-located schools sharing common spaces, facilities and services.

The school location under consideration appears to be strategically located geographically within the community it is intended to serve.

4. As a result, the DOE supports this site as a potential school site for the Capital School District.

The comments in this letter are offered as advisory comments to help the school district determine the feasibility of this property for a school site. If the district chooses to move forward with this site, the Budget Office, the Department of Education, and the State Planning Office would need to approve this location. In addition, the site plan for the proposed school would need to be reviewed through the Preliminary Land Use Service (PLUS).

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: City of Dover