



October 26, 2006

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

RE: PLUS review – PLUS 2006-09-03; Capital School District – Byler Site

Dear Mr. Sokolowski:

Thank you for meeting with State agency planners on October 3, 2006 to discuss the Byler property, located at 767 Victory Chapel Road, 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 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 proposed school site is located Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also outside of the Kent County Growth Zone. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. Schools are not appropriate in Level 4 areas. The State **is opposed to** this site for new school construction.

Street Design and Transportation

- 1) DelDOT would recommend against choosing this site. It is in a Level 4 Investment area relative to the *Strategies for State Policies and Spending* and, consistent with the *Strategies*, DelDOT has no plans to improve the roads in the surrounding area.
- 2) Victory Chapel Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT would require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) DelDOT would also require a 15-foot wide permanent easement across the frontage of the site for a shared use path.
- 4) DelDOT would recommend that the site entrance be placed across from the 120-acre parcel on the opposite side of the road (WD-00-065.00-01-29.00).
- 5) DelDOT would require that Victory Chapel Road be improved as necessary within the limits of the site frontage to meet our standards for local roads.

Natural and Cultural Resources

- Because this parcel borders a relatively large area of sensitive wetlands and/or waters of the greater St. Jones watershed, development is strongly discouraged here. The large amount of hydric soils also suggests that this parcel may be susceptible to flooding during severe storm events.
- Two ponds currently exist on the site. If those ponds were to remain and be used for stormwater management, they must be modified to meet the safety

requirements for urban stormwater ponds as specified in Pond Code 378 and the Delaware Sediment and Stormwater Regulations

- DNREC has never surveyed this site; therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at or adjacent to this project site. In order to provide more informed comments and to make recommendations, the program botanist requests the opportunity to survey the forested wetlands which could potentially be impacted by the project.
- According to State wetland maps there are forested wetlands on this tax parcel, and there is a potential that there are also Coastal Plain ponds, or Delmarva bays. Upland forest buffers around these ponds are also critical, protecting the wetland from excess nutrients and invasion by non-native species. Several studies have shown that salamanders spend most of their lives in forest buffer zones up to 300 meters from wetland edges, using wetlands only during brief breeding periods.
- DNREC strongly recommends that the school and associated facilities be located on the non-forested portion of this parcel.

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 Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also outside of the Kent County Growth Zone. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

New schools and other public facilities are not appropriate in Investment Level 4 according to the *Strategies for State Policies and Spending*. Schools should be located in or near existing communities or in developing urban or suburban areas categorized as Investment Levels 1, 2 or 3 in the *Strategies*. Schools located in Level 4 are distant from the concentrations of population they are intended to serve. Locating schools in Level 4 areas assures that they will not be convenient to use as community facilities, and they may in fact stimulate unwanted development in rural areas which could have negative ramifications for State fiscal resources. Remote locations assure high transportation

costs, and make it very unlikely that many students will be able to walk or bike to school. Public utility infrastructure may not be available in rural locations (as is the case with this site). The State **is opposed** to this site for new school construction.

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

The Division of Historical and Cultural Affairs does not support the use of this parcel in Level 4 for a school. It would lead to further damage to the historic agricultural landscape and to the loss of historic buildings and archaeological sites. There is a late 19th- to early 20th-century agricultural complex (K-1169) and a known prehistoric-period archaeological site (K-444) within this parcel. Beers Atlas of 1868 shows no buildings in this area. The agricultural complex first shows up on the USGS 15' topographic 1931 Wyoming map. There are other areas of high potential for prehistoric-period archaeological sites.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as this one, 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 the district does proceed with this parcel, the DHCA would appreciate the opportunity to document the historic buildings prior to any demolition activities. They would also appreciate the opportunity to examine the archaeological site and learn something about its nature and extent prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 6) DelDOT would recommend against choosing this site. It is in a Level 4 Investment area relative to the *Strategies for State Policies and Spending* and, consistent with the *Strategies*, DelDOT has no plans to improve the roads in the surrounding area. Presently, Victory Chapel Road is a two-lane local road that intersects Delaware Route 8 at an intersection controlled by a Stop sign. If a school were built on the subject site, DelDOT would anticipate demand for a signal on Route 8 to accommodate the school traffic, even though by our

standards such a signal probably would not be warranted. Consistent with the *Strategies*, we would be unwilling to install such a signal.

- 7) Victory Chapel Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT would require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 8) DelDOT would also require a 15-foot wide permanent easement across the frontage of the site for a shared use path.
- 9) DelDOT would recommend that the site entrance be placed across from the 120-acre parcel on the opposite side of the road (WD-00-065.00-01-29.00). Such a location would allow an entrance to be placed here if the aforementioned parcel were developed.
- 10) DelDOT would require that Victory Chapel Road be improved as necessary within the limits of the site frontage to meet our standards for local roads. Those standards would include widening to 11-foot lanes and 5-foot shoulders and repaving. While we have not determined what the existing pavement section of Victory Chapel Road is, rural roads in Delaware often require reconstruction or major improvements to meet our local road standards. While they would not require shoulders beyond the site frontage, they would anticipate requiring that the travel lanes be widened and repaved from Route 8 to the north limit of the site. DelDOT also notes that Penrose Branch is spanned by Bridge 163A, as opposed to a pipe or a culvert. They have not investigated its condition, but improvements to this stream crossing would probably be required as well.
- 11) If this site is selected, the District's site engineer should contact the 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 739-9071**

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the

Strategies this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. DNREC encourages the use of transfer of development rights where this growth management tool is available.

This particular project certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Recommendation for Feasibility

Based on the Kent County soil survey, Sassafras, Woodstown, Fallsington, Pocomoke, and Johnston were mapped on subject parcel. Sassafras is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington, Pocomoke, and Johnston are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development. Approximately one-half of the mapped soils on this parcel are considered to have severe limitations for development.

According to Statewide Wetland Mapping Project (SWMP) maps, wetlands are mapped over much of the northern one-third and along the southern boundary of this parcel.

Because this parcel borders a relatively large area of sensitive wetlands and/or waters of the greater St. Jones watershed, development is strongly discouraged here. The large amount of hydric soils also suggests that this parcel may be susceptible to flooding during severe storm events.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that a southern portion of the proposed development falls within an excellent ground-water recharge area (see following map and attached map). The review found no wellhead protection areas. The PLUS Application did not include any specifics concerning development.

Excellent recharge areas are near-surface areas within which precipitation infiltrates the land surface to the unconfined aquifer at a more rapid rate than other areas.

The construction phase of site development requires excavation, hauling, and grading. The heavy equipment used in this phase has the capacity to compact and degrade the structure of the strata that defines the area as an excellent ground water recharge area. Changes to the structural soil properties may cause significant reduction in recharge capacity. Installing storm-water management ponds in excellent ground-water recharge areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer.

The proposed development does not include the change of total impervious cover.

DNREC Water Supply Section recommends that that portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

Further, some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within these areas, provided the applicant submits an environmental assessment recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis. Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

For more information:

Source Water Protection Guidance Manual for the Local Governments of Delaware
http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

Ground-Water Recharge Design Methodology
http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_supp_1_final.pdf

Climatic Water Budget

Thornthwaite, C. W. and Mather, J. R., 1957, Instructions and Tables for Computing Potential Evapotranspiration and the Water Balance: Drexel Institute of Technology, Laboratory of Climatology, Volume x, Number 3

Map of Capital School District Site #1 (PLUS 2006-09-03) The proposed site is outlined in light blue. Excellent ground-water recharge potential areas are highlighted in green.



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. DNREC 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. 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. Should an on-site public well 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

Two ponds currently exist on the site. If those ponds were to remain and be used for stormwater management, they must be modified to meet the safety requirements for urban stormwater ponds as specified in Pond Code 378 and the Delaware Sediment and Stormwater Regulations. If the ponds will remain but not be used to manage stormwater as a regulatory requirement, they would not need to be modified, but it would be highly recommended that the safety components (benching, flatter side slopes) be incorporated into the ponds given that the site will be for a school. Fencing is not recommended around the ponds. An existing ditch on site conveys runoff from offsite. That ditch may not be filled in without providing an alternate conveyance for the offsite runoff. Some of the wooded area on the site contains Pocomoke soils. It is not recommended that those areas be cleared for development. The site contains some soils with excellent recharge potential. It is recommended that a thorough soil investigation be completed for the site prior to siting buildings, fields, etc. so that you may take advantage of those areas of good soils.

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.

Site Visit Request

DNREC has never surveyed this site; therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at or adjacent to this project site. In order to provide more informed comments and to make recommendations, the program botanist requests the opportunity to survey the forested wetlands which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and unique habitats and to ensure that the project is environmentally sensitive. In addition, a survey of the project site will give staff an opportunity to document the biodiversity of the property before construction activities begin. Please contact Bill McAvoy at (302) 653-2880 to set up a site visit.

Forested Wetlands

According to State wetland maps there are forested wetlands on this tax parcel, and there is a potential that there are also Coastal Plain ponds, or Delmarva bays. These wetlands provide breeding habitat for a variety of animals, including amphibians and invertebrates, and often support a unique and rare assemblage of plants. Upland forest buffers around these ponds are also critical, protecting the wetland from excess nutrients and invasion by non-native species. Forest buffers also provide critical habitat for salamanders during most of their annual life cycle. Several studies have shown that salamanders spend most of their lives in forest buffer zones up to 300 meters from wetland edges, using wetlands only during brief breeding periods.

DNREC strongly recommends that the school and associated facilities be located on the non-forested portion of this parcel. Forest loss is a concern as over 20,000 acres have been lost to development. Larger, connected areas of forest are especially important to migratory birds, but other species of wildlife depend on forested areas for breeding as well. They recommend that the existing forest be left intact, especially along Penrose Branch. Not only will preserving the existing forest minimize impacts to wildlife, but these types of areas are excellent "outdoor classrooms" for school curriculum.

State Fire Marshal's Office – Contact: John Rossiter

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 at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (educational) site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- **This site would require a tank and a fire pump to supply the sprinkler system. The above two comments only apply if water is extended from a Public Utility.**

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, 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. This means that the access road to the subdivision from Victory Chapel Rd 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.

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.

Department of Agriculture - Contact: Scott Blaier 698-4500

The proposed school site is in an area designated as Investment Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support this type of isolated development in this area. The intent of this plan is to preserve the agricultural lands,

forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. Often new residents of developments like this one, with little understanding or appreciation for modern agriculture and forestry, find their own lifestyles in direct conflict with the demands of these industries. Often these conflicts result in compromised health and safety; one example being decreased highway safety with farm equipment and cars competing on rural roads. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. We oppose the creation of isolated development areas that are inefficient in terms of the full range of public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation.

The proposed school site is within 300 feet of a property permanently preserved through the State's Agricultural Lands Preservation Program (Parker Expansion of the Tappahanna District, (Parcel # 9-00-06500-01-4300)). Therefore, the 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.

A portion of this property has been designated as having “excellent” ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas for the state, and an “excellent” rating designates an area as having important groundwater recharge qualities.

Senate Bill 119, enacted by the 141st General Assembly in June of 2001, requires the counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, the counties and municipalities are required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential areas.

This site overlaps with the State’s Green Infrastructure Investment Strategy Plan. The Crop Land layer is present on the entire site. This designation identifies areas of the state that have viable and valuable agricultural cropland, as discussed in Governor Minner’s Executive Order Number 61. Areas such as these should be preserved as such, and not developed for residential use.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries.

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

Individual on-site water and waste water facilities are not recommended by DOE if a suitable alternative site that provides access to public civil utility infrastructure is available. While the PLUS application indicates Public Utilities to be determined if site is selected, in the absence of specified or identified utilities provider, the DOE expresses concern that the school district would become responsible for onsite well and wastewater facilities or be required to bear the cost to connect to public systems which may include utility rights of way acquisition as well as the cost to run the utility infrastructure.

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 4 as well as a rural location outside the growth-zone. As a result basic support service levels will reflect a commensurate level of service associated with investment level 4.

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 does not appear to encourage pedestrian access. The location does appear to be strategically located geographically within the community it is intended to serve.

4. Because this site is in investment level 4, and as a result of the aforementioned, the DOE *does not* recommend the continued consideration of this site for development as a school site.

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: Kent County