



October 24, 2006

Morris Deputy
Town of Middletown
19 West Green Street
Middletown, DE 19709

RE: PLUS review – PLUS 2006-09-11; Town of Middletown Comprehensive Plan Amendment

Dear Mr. Deputy:

Thank you for meeting with State agency planners on September 27, 2006 to discuss the proposed Town of Middletown Comprehensive plan amendment.

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

Office of State Planning Coordination – Contact: Herb Inden 577-5188

The proposed plan amendment is to change the land use classifications on Map 6 the Future Land Use map, for two parcels. The first, known as the “Allen Property”, is to go from Residential to Commercial. The property is surrounded by industrial and commercial land and is part of the Westown Master plan. This change will allow for the adaptive reuse of the historical house on this property appropriate to the master plan, thus preserving the house. The second property, which is currently occupied by Shone Lumber, is to go from Industrial to Commercial. This property, which is to be vacated by Shone Lumber, is close to the center of town and other commercially zoned land. The rationale as noted in the PLUS application and at the PLUS meeting, appear appropriate to town plans for future development and as such, we have no objection to either change.

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

The Division of Historical Affairs is in favor of these changes to the Future Land Use map. Changing the zoning of Hedgelawn (N-118) to commercial will assist in the adaptive re-use of this historic property, saving it for the future. They also believe that changing the Shone Lumber parcel to commercial will assist in the economic future for Middletown's Main St district, encouraging small commercial uses within walking distance of much of the Middletown Historic District (N-425).

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Town of Middletown proposes to amend the Future Land Use Map in its Comprehensive Plan to permit two proposed rezonings. Tax Parcel 13-027.00-011, known as the Allen Property, measures 5.12 acres and is located on the south (or east) side of US Route 301 a short distance east (or north) of Levels Road (New Castle Road 10). It contains a large historic house. The proposed change would be from Residential to Commercial. DelDOT has three comments regarding the Allen Property:

- 1) DelDOT is concerned about the potential traffic impact of commercial development on this site but they would not be opposed to the proposed rezoning if access to the site was through the surrounding M-I land, which is presently proposed for development as an auto mall.
- 2) As part of the planned widening of existing Route 301, DelDOT anticipates needing a 25-foot deep strip of right-of-way across the property frontage.
- 3) In addition to the widening just mentioned, DelDOT is evaluating alternative alignments for building Route 301 as an expressway from the Maryland Line north. The Yellow Alternative would impact this property. More information on this project is available on DelDOT's website, ww.deldot.gov.

Tax Parcel 23-005.00-130 measures 1.62 acres and is located on the north side of Main Street (Delaware Route 299 and New Castle Road 438) between Peterson Road (New Castle Road 58) and the Norfolk Southern railroad line. It is presently occupied by Shone Lumber, which is moving to another location. The proposed change would be from Industrial to Commercial. DelDOT is not opposed to this change. At the meeting, we pointed out that the north tip of this parcel is across the railroad tracks from West Lake Street, so development there might preclude a future extension of Lake Street across the tracks. DelDOT understands that the Town has made it clear to all potential developers of the property that they need to allow for the possible future extension of Lake Street.

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

Water Resource Protection Areas

The DNREC Water Supply Section has reviewed the Town of Middletown's September 2006 Comprehensive Plan Amendment. The Amendment concerns two tax parcels that would amend "Map 6. Future Land Use" of the Town's Comprehensive Plan.

Tax Parcel 13-027.00-011 requests a change in the future land use designation from Residential to Commercial. Tax Parcel 23-005.00-130 requests a change in the future land use designation from Industrial to Commercial. Both parcels are in areas designated as excellent ground water recharge areas. These areas are critical areas for source water protection.

The Town of Middletown, Delaware adopted and certified its comprehensive plan in November 2005. Chapter 7-2, Water Resources: *Excellent-Recharge Areas*, of the Plan identifies the characteristics of the area and the need to protect the areas. Chapter 7-4, Recommendations, *Adopt Environmental-Protection Ordinance*, discusses the development and adoption of an ordinance to protect surface water, excellent ground-water recharge, and wellhead protection areas. The Water Supply Section is looking forward to reviewing and providing any technical assistance for the town's Source Water Protection Ordinance.

New Castle County has specific ordinances and regulations that address development of parcels within excellent ground-water recharge potential areas. It is recommended that the Town of Middletown consider these existing provisions in finalizing their own ordinances.

More information is available at:

<http://www.wr.udel.edu/swaphome/Publications/SWPguidancemanual.html>

Map of Town of Middletown showing Tax Parcels #13-027.00-011 and 23-005.00-130. Excellent Ground-water Recharge Areas are in green and Wellhead Protection Areas in dark red.



State Resource Areas/Natural Areas

The Town of Middletown should pass ordinances that would provide a higher level of protection for State Resource Areas and Natural Areas, especially along the southeastern border of the Town as both the Appoquinimink Natural Area and SRA are located there. Ordinances for forest protection, riparian buffer requirements, rare/endangered/threatened species and wetlands protection should be implemented to better protect the natural resources within the Town limits.

Site Investigation and Restoration

One SIRB site was found: Johnson Control (DE-0048) is located south of the proposed site. In 1983, a Site Investigation (SI) was conducted. The result revealed the presence of high levels of lead in soil samples. An interim action that involved the excavation of contaminated soils was completed. DNREC foresees no negative impact on the proposed site.

If you have any questions regarding the above sites, contact Babatunde Asere at 302-395-2600.

State Fire Marshal's Office – Contact: John Rossiter 323-5365

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to the future land use.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed amendment to Town of Middletown's Comprehensive Plan. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 2, and the parcels in question are already located within the Town of Middletown's incorporated area.

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 the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.

2. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
3. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
4. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.
5. The DOE has no comments or objections to the proposed plan amendment.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director