



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

March 22, 2007

Mr. Morris Deputy
Town of Middletown
619 West Green Street
Middletown, DE 19709

RE: PLUS review – PLUS 2007-02-14 Comprehensive Plan Amendment

Dear Mr. Deputy:

Thank you for meeting with State agency planners on February 28, 2007 to discuss the proposed Town of Middletown comprehensive plan amendment to include tax parcel number 14-011.00-003 into Map 6 (Future Land Use) for educational use.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State.

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

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

The Town of Middletown has requested to expand its Future Land Use Map to include a 30 acre Level 4 property to be designated for educational use only. The parcel is adjacent to a Level 3 area developed residentially. 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 generally not supported in Investment Level 4 areas. Though not desirable to develop in a Level 4 area and this office generally does not look favorably upon such requests, we do understand the need for school sites in this rapidly developing part of New Castle County and understand the difficulty in finding such sites. Given the fact that the Town is limiting the development of this parcel to educational uses and that it is adjacent to a Level 3 area we do not oppose this plan modification. We do, however,

encourage the town to work with the school district to find more suitable locations for schools to minimize further encroachment into Level 4 areas in the future.

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

Nothing is known in this parcel, and historic maps do not indicate it was ever developed. There are areas of high to medium potential for prehistoric-period archaeological sites here. In addition, the parcel is just north of Brook Ramble (N-101), which is listed in the National Register of Historic Places.

If this parcel is developed as a school in the future, the DHCA requests that the Town and school district consult with them to avoid impacting archaeological sites and to design sufficient landscaping to block the visual and noise intrusions of such a complex on Brook Ramble.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

With regard to the Strategies for State Policies and Spending, the site is in a Level 4 area, albeit adjacent to a Level 3 area. Recognizing that this site would be developed for a public purpose, we would prefer that the Town and the School District found a more central location, one within the current Town boundaries. Such a site would decrease the average trip length to and from the school and make it more feasible for more people, students, faculty and staff, to walk or bicycle to the school. Having said that, DelDOT recognizes that such a site may not be available and that under even the best circumstances most students, faculty and staff would use schoolbuses or cars to reach the site. Therefore they are not strongly opposed to this plan amendment.

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

The Water Supply Section has reviewed the Town of Middletown Comprehensive Plan Amendments. They recognize the initiative that the Town of Middletown has shown so far in protection of critical areas. Amendment 2007-02-14 proposes a school campus in an area of excellent ground-water recharge potential.

The Town of Middletown's Comprehensive Plan adopted and certified in November of 2005 addresses areas of "excellent-recharge potential in Chapter 7. Middletown has shown intent to protect these areas by limiting impervious surface and prohibiting the storage of hazardous materials. Middletown has not to our knowledge developed ordinances to detail the level of protection.

- The Town of Middletown is required by Delaware Code, Title 7 Chapter 60 Subchapter VI, § 6082 – 6083 to adopt, by December 31, 2007, regulations governing the use of land within those critical areas designed to protect those critical areas from activities and substances that may harm water quality and subtract from overall water quantity.

Water Supply requests specific references to these documents that address the protection of excellent ground-water recharge potential areas.

While Green Technologies and Better Management Practices serve the general landscape, practices must be held to a higher degree of scrutiny when addressing excellent recharge areas. The character and nature of excellent recharge areas cannot be improved upon, nor can they be reliably mimicked.

Sediment and Erosion Control/Stormwater Management

Upon development of the parcel as a school site, a detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on any site. The plan review and approval as well as construction inspection will be coordinated through the Sediment and Stormwater Program. Contact Elaine Webb, at (302) 739.9921, for details regarding submittal requirements and fees.

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

Ease of maintenance and access for maintenance of stormwater structure must be considered in future site designs. Maintenance responsibility shall be established during the plan review and approval process. [Ref 10.3.11-12, DE Sediment and Stormwater Regulations].

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall project design as a stormwater management technique. Green Technology BMPs must be given first consideration for stormwater quality management. Each stormwater management facility should have an adequate outlet for release of stormwater.

The parcel falls within the Appoquinimink Watershed which has a promulgated Total Maximum Daily Load (TMDL) for nutrients and bacteria. Applicants are encouraged to

preserve any existing riparian buffers to aid in the reduction of nutrients, sediment, and other pollutants. For the further enhancement of water quality, additional widths of vegetated buffers and other water quality measures are encouraged to be implemented on this project. Additionally, the applicant should be aware that additional best management practices for storm water quality may be required by state regulation and county ordinances due to the project location in an impaired waterway.

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

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

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 asks that a MOU be updated/established between the DE State Fire Marshal's Office and the City of Middletown. The State Fire Marshal's Office would be issuing approvals much like DelDOT and DNREC. 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 inclusion of this parcel in the future land use area.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Department of Agriculture is sympathetic to the problem many School Districts are facing with regard to finding suitable land to build additional schools to accommodate the State's burgeoning number of students. However, the Department has consistently opposed PLUS applications requesting approval for school construction in areas designated as Investment Level 4 under the *Strategies for State Policies and Spending*. Therefore, at this time, the Department is not in favor of amending the Future Land Use Map in the Town of Middletown's comprehensive plan to include the 30 acres of farmland located in an area currently designated as Investment Level 4 under 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.

Department of Education – Contact: John Marinucci 739-4658

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.

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.
1. 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.
 2. 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.
 3. The DOE offers its support to assist the town and participate in coordination between the town, the Appoquinimink School District, New Castle County, the Office of State Planning Coordination as well as other school districts and stakeholders as future developments and annexations may be considered.

4. The DOE supports the amendments under consideration. More specifically, the amendment for the annexation of land for use as a school site for Appoquinimink School District offers particular challenges since it is currently in level 4 of the State Strategies for Policies and Spending. However, the DOE supports this amendment since the site will be serviced with public utilities and once annexed, it will no longer be in level 4, since the areas surrounding this site have been developed.

If the Town approves this amendment, please send an updated copy of the Future Land Use map so that we can update our records.

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