



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

December 21, 2007

Ms. Jamie Smith
Town of Laurel
201 Mechanic Street
Laurel, DE 19956

RE: PLUS review – PLUS 2007-11-13; Town of Laurel Comprehensive Plan Amendment

Dear Ms. Smith:

Thank you for meeting with State agency planners on November 28, 2007 to discuss the proposed plans for the Town of Laurel Comprehensive Plan Amendment to amend the town's comprehensive plan Future Land Use Map 11. This amendment proposes to change the zoning for several parcels from residential to commercial.

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: Bryan Hall 739-3090

The Office of State Planning and Coordination recognizes the proposed rezoning and comprehensive plan amendment for the proposed project is within a Level 1 / Level 2 Investment Area as defined by the Strategies for State Policy and Spending and is within the existing Town boundaries. This office has no objection to the proposed and makes only the following recommendations:

- The Community should work with DNREC and the developer to protect the source water resources found within this site given the environmental impacts that a gas station may pose to the resource.
- The community should be mindful of enclaves as the community continues to annex as par to the implementation process of the current comprehensive plan. The presences of such islands of County jurisdictional lands within a community may lead to future concerns and problems for both jurisdictions. This office is committed to provide the necessary support and services to assist the Town with this issue and is more then happy to meet with you and staff upon request.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Presently the area southwest of the Royal Farms, in the area of Kurtz Drive, is an eleven-lot residential development that is surrounded by land that is intended in the Plan for commercial use. The proposed amendment would permit the rezoning of five of those lots for commercial use. If the Town amends the Plan as proposed, one can reasonably expect that the Town will then rezone the five lots and that Royal Farms will buy them and use them to expand their store. DelDOT is not opposed to this amendment, the rezonings, or the store expansion. However, DelDOT recommends that the Town look beyond the five parcels in question and consider all 11 residential lots on the Future Land Use map. This would be consistent with the purpose of the Comprehensive Plan.

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

Water Resource Protection Areas

The Water Supply Section, Ground Water Protection Branch (GWPB), has determined that the five parcels listed in this amendment fall within the wellhead protection areas for Laurel Water and the Taste Freeze (see following map). Wellhead protection areas are surface and subsurface areas surrounding public water supply wells. Land use activities within these areas may adversely affect the quantity and quality of groundwater moving toward the well. There were no excellent ground-water recharge potential areas found.

The 2004 Greater Laurel Comprehensive Plan, Chapter VII, Section G. Environmental Protection stated the Town's intention to use DNREC-approved Best Management Practices in decisions and policies pertaining to wellhead protection areas.

The Town of Laurel Comprehensive Plan Amendment (PLUS 2005-12-08) was reviewed by GWPB. The Town was encouraged to consider developing Source Water Protection regulations in Compliance with Delaware Source Water Law. The Town was informed that the areas for annexation contained areas that should be considered high priority source water protection areas.

Amendment (PLUS 2007-11-13) proposes a change in land use from Residential to Commercial Business land use has the potential to exceed the recommended impervious cover threshold. Commercial land use may also introduce contaminants not associated with Residential land use (DNREC, 1999).

This review was unable to locate Source Water Protection Ordinances for the Town of Laurel. The population of Laurel reported by the 2000 Census was 3,668. Title 7 Chapter 60 Subchapter VI, § 6082 (b) state that: “municipalities with populations of 2,000 persons or more, with the assistance of the Department, shall adopt as part of the update and implementation of the 2007 Comprehensive Land Use Plans, the overlay maps delineating, as critical areas, source water assessment, wellhead protection and excellent ground-water recharge potential areas. Furthermore, the counties and municipalities shall 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”.

The GWPB recommends that the portion of the new development within the wellhead protection area not exceed 20% impervious cover. 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 this area. However, the development should not exceed 50% regardless (DNREC, 2005). 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.

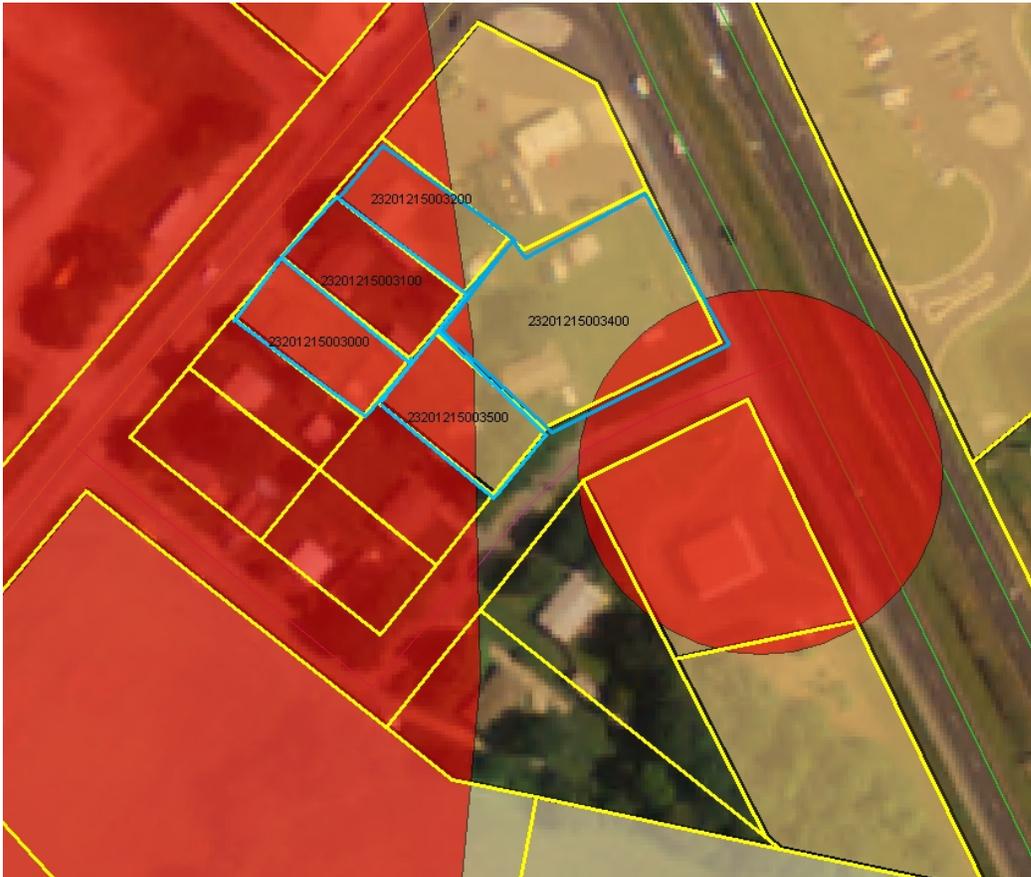
References

Delaware Department of Natural Resources and Environmental Control, 2005, Source Water Protection Guidance Manual for the Local Governments of Delaware, p. 144.

http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

Town of Laurel Comprehensive Plan Amendment ((2007-11-15) the wellhead protection areas are shaded in red. The Tax Map Parcels are outlined in blue. Tax Map

Parcels 232-12.15-30 and 31 fall entirely within the wellhead protection area for Laurel Water. Parcels 232-12.15-32 and 35 falls significantly within the wellhead protection area for Laurel Water. Parcel 232-12.15-34 falls partially within the wellhead protection areas for Laurel Water and the Taste Freeze.



State Fire Marshal's Office – Contact: Duane Fox 856-5298

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 this time, this Agency has no objection to, and makes no comments regarding, the Comprehensive Plan or an amendment to a Comprehensive Plan.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning request.

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 735-4055

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 and participate by coordinating with this municipality, the local school districts the County, the Office of State

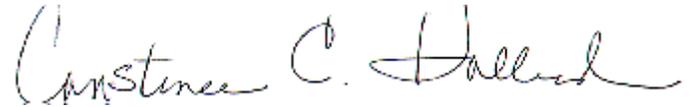
Planning Coordination as well as other school districts and stakeholders as future development and annexations may be considered.

4. DOE has no objections or comments regarding the Comp. Plan Amendment under consideration.

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,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director

CC: Sussex County