



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

December 10, 2010

Ms. Faye Lingo  
Town of Millsboro  
322 Wilson Highway  
Millsboro, DE 19966

**RE: PLUS 2010-11-01; Town of Millsboro Comp Plan Amendment**

Dear Ms. Lingo:

Thank you for meeting with State agency planners on November 24, 2010 to discuss the proposed comprehensive plan amendment change the future land use of parcel 133-17.17-70.00 from MR to HC to allow for a rezoning of this property.

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.

Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

**Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The proposed rezoning is consistent with adjacent land uses along US 113 and while the State has no objections to the proposed rezoning and or comprehensive plan change, we offer the following comments regarding future development of the site:

- The applicant should coordinate with the Town to ensure that all local zoning code and regulations are followed properly and the proposed is properly heard through the Town's defined public process.
- If this site develops, now or in the future, the owner should contact this office to determine if a PLUS review is required.
- If the comprehensive plan amendment is approved, the Town should forward a copy of the updated maps to the Office of State Planning Coordination for our records.

122 William Penn Street · Third Floor · Dover, DE 19901  
Phone (302)739-3090 · Fax (302) 739-6958 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- Finally, the approval/denial of this proposed change does not affect the due date for your next comprehensive plan update and according to our records, a comprehensive plan update is due June 2014.

**State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685**

- This parcel is a part of the Old Landing Road Potential Historic District (S09824), which is roughly bounded on the north by Boulevard Avenue, on the east by railroad tracks, on the south by Old Landing Road, and on the west by Route 113. In addition, the Old Landing Road Potential Historic District is eligible under National Register Criterion-A because of its intact collection of worker housing in a community with scattered collections of historic properties. With this in mind, it is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to 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.

Therefore, prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery or unmarked human remains.

- Furthermore, if there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential historic or cultural resources.
- The developer should also consider the aspect of providing sufficient landscaping along the borders of the parcel to block any adverse visual and noise effects on other properties as well. If you have any questions or would to discuss these issues further, please contact Alice Guerrant at 302-736-7412.

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

**Source Water Protection**

- The parcel under review lies fully in a good recharge potential area defined by the Town's Ordinance as a Secondary Recharge Area District. The restriction set by the Ordinance is to limit the impermeable surfaces to 50% of the parcel.

***Recommendation:*** The intended purpose of the zoning change in the Amendment under review is to provide an additional parking area. The owner should be made aware of the

limitations associated with developing this parcel as a parking area for his future expansion.

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.

Constance C. Holland, AICP  
Office of State Planning Coordination Director