



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

December 13, 2011

Douglas Barry  
Pennoni Associates  
18072 Davidson Drive  
Milton, De 19968

RE: PLUS review – 2011-11-02; Selbyville, LLC

Dear Mr. Barry:

Thank you for meeting with State agency planners on November 23, 2011 to discuss the proposed rezoning of 13.24 acres from AR-1 to C-1 to be consolidated with adjacent C-1 properties for a commercial development. If the rezoning is approved and the properties consolidated, you should contact this office to determine if the final site plan needs to go through the PLUS process.

This office has received comments from DNREC, DeIDOT and the State Historic Preservation office regarding information relevant to future building on this site. Below is a list of comments that should be considered if this project moves forward; however, this should not be considered the final comments on the site plan. If this project meets the threshold, it will need to go through the PLUS process for a more comprehensive list of comments relating to the commercial development.

- DeIDOT noted that subject land is proposed for development in conjunction with other, already commercially zoned, lands of the applicant that front on US Route 13. In accordance with our Memorandum of Agreement with Sussex County and Chapter 2 of DeIDOT's Standards and Regulations for Subdivision Streets and State Highway Access, we have recommended to the County that they require the results of a Traffic Impact Study (TIS) for the larger development before accepting on the subject rezoning application. DeIDOT received the TIS from the developer's traffic engineer on October 27, 2011, and have it under review now. They anticipate completing their initial review and contacting the developer to discuss our findings in early December.

- According to the Division of Historical and Cultural Affairs there are no known cultural or historic resources of any kind on the property. However, you should be aware of Title 7, Chapter 54 of the Delaware Code, which pertains to the Unmarked Human Burials and Human Skeletal Remains Law of 1987 as well the discovery and disposition process of such remains. The reason for this is that abandoned or unmarked family cemeteries are very common in Delaware, especially in settings such as historic farm sites, rural areas, or open space lands. Disturbing unmarked burials triggers Delaware's law and such discoveries can result in substantial delays while the procedures required under this law are carried out. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area for the presence of such a cemetery. If one is discovered and delineated, it is very costly to have it archaeologically excavated and the burials moved.
- 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 culture or historic resources.
- DNREC has sent notes regarding TMDLs, the required sediment and stormwater plan that will be needed and how to comply with regulations related to governing underground storage tank systems. The full copy of their comments are on file, but specific information will be included once a specific site plan is proposed.

**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.**

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, Office of State Planning Coordination

CC: Sussex County