



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

January 16, 2014

Town of Middletown
Attn: Mr. Morris Deputy
19 W. Green Street
Middletown, DE 19709

RE: PLUS review 2013-12-02; Town of Middletown Comprehensive Plan Amendment

Dear Mr. Deputy:

Thank you for meeting with State agency planners on December 18th, 2013 to discuss the proposed comprehensive plan amendment. According to the information received, you are seeking rezoning of the property at 2024 West Green Street from R-1A to C-2 for unknown commercial use which necessitates a 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 Office of State Planning Coordination (OSPC) has no objections to this comprehensive plan amendment as reviewed. Please note however if the rezoning is approved and the site is redeveloped the town should contact this office to determine if the new building meets the PLUS criteria for review.

OSPC offers the following comments received from the Department of Natural Resources and Environmental Control and the State Historic Preservation Office relating to future development of this site.

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

Site Investigation and Restoration Section (SIRS).

If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C. Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware *Regulations Governing Hazardous Substance Cleanup* shall be followed.

Should a release or imminent threat of a release of hazardous substances be discovered during the course of future development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRS should also be contacted as soon as possible at 302-395-2600 for further instructions.

If any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRS strongly recommends that the land owner(s) perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.

There is one SIRS site located within ½ mile of the proposed project area. There are no Groundwater Management Zones with the proposed project area. The same SIRS site is a Brownfields site listed on DNREC's Brownfields Marketplace inventory within the proposed comprehensive plan amendment area. Please note that many more properties within the municipality may qualify as "Brownfield" sites:

- Middletown Manor (DE-1483)

State Historic Preservation Office – Contact: Terrance Burns 736-7412

This rezoning is for a parcel immediately adjacent to the National Register-listed property known as the St. Joseph's Roman Catholic Church (N-3890), and to a residential area that could qualify for the National Register in the event that Middletown wanted to pursue an update of their historic district to include early-to-mid-20th- century properties. As such, the Town should see that, in the case of future development, appropriate protections to screen these historic properties from adverse noise, light, and visual intrusions are required. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412.

If the amendment is approved please forward a copy of the approved map changes and the approval paperwork for our files. 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