



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

February 23, 2015

Mr. Theon E. Callender
Town of Cheswold
P.O. Box 220
691 Main Street
Cheswold, DE 19936

RE: PLUS review 2015-01-01, Town of Cheswold Comprehensive Plan Amendment

Dear Theon,

Thank you for meeting with State agency planners on January 28, 2015 to discuss the proposed comprehensive Plan Amendment for the Town of Cheswold. This amendment relates to the text and map of the existing Plan's Five Year Growth Area and reflects a support for residential uses east of Rt. 13 in the vicinity of Jerome Drive.

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.

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

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

- The proposed amendments to the Five Year Growth Plan text and maps to allow residential use east of Rt. 13 in the vicinity of Jerome Drive is located in Investment Level 1 and 2 according to the *Strategies for State Policies and Spending*. Our office has no objections to redevelopment and new development activities in Investment Level 1 and 2 areas.

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

DNREC has no objections to the comprehensive plan amendments and subsequent rezonings. The following comments are offered as if the parcels were to be developed. DNREC would welcome the opportunity to meet with the Town in a collaborative manner to discuss these recommendations and possible future implementation.

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

TMDLs

- The project is located in the greater Delaware River and Bay drainage area, specifically within the St. Jones River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the St. Jones River watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent reduction in bacteria from baseline conditions.

Site Visit

- Prior to any development on these parcels, the Wildlife Species Conservation and Research Program (WSCR) requests a site visit to assess the ecological quality of the habitats present. Only a small portion of the area has been surveyed by our plant biologist. While no rare plants were observed during the survey, the forest was documented as mid to late successional. It was also noted that a large portion of the forested area is poorly drained and would seem unsuitable for development. It is important to note that surveys for animal species were not conducted. Forested wetlands can support an array of plant and animals species. As such, an updated survey that covers the entire area and includes animals should be conducted prior to development.

Wetlands, Vernal Pools, and Buffers

- Our GIS database indicates that there may be vernal pools within these wetlands. Although vernal pools have high ecological value, they are isolated wetlands and are not afforded regulatory protection. Vernal pools breeding habitat for a variety of animals, often supports a unique assemblage of plants, and a high diversity of species, many of which are considered rare. The ecological integrity of a vernal pool is maintained by fluctuating levels of groundwater and by the flooding and drying cycles that are critical for the diversity of plant species that form the habitat in the pond. Fish are typically absent from wetlands that dry down for part of the year which is why some rare amphibian species only breed in these types of wetlands. Because fish prey upon their eggs and larvae, a key characteristic of their breeding habitat is a lack of fish.
- Additionally, upland forest buffers around these vernal pools not only protect water quality, but provide critical habitat for amphibians and reptiles that are dependent on the wetland for breeding.
- Upland buffers up to several hundred meters provide critical habitat for some wetland dependent reptiles and amphibians during a portion of their life cycle. It is recommended

that efforts be made to ensure adequate upland buffers to protect water quality and to ensure ecological impacts are minimized

- Maintain existing forest or natural vegetative cover around the wetlands within the buffer zone (i.e. not lawn grass) to provide shade and minimize mortality due to desiccation. Surrounding cover is also important for avoiding terrestrial predators.
- Avoid diverting surface water from roadways and stormwater facilities into these wetlands. Water quality could be detrimentally affected by run-off which can contain oil and other pollutants (basically any substance a home owner may use on their lawn or driveway).

Sediment and Stormwater Program

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application 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. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101).

State Historic Preservation Office – Contact Terrence Burns 736-7404

- We recommend that the Town of Cheswold consider the historic character and significance of the buildings and the archaeological sites that will be annexed into the town in the future, and that they provide a mechanism to protect such properties. Furthermore, we would be happy to discuss the various alternatives that are available for the town's use. If you have any questions or concerns, please contact Alice Guerrant, at 302-736-7412.

Department of Transportation – Contact Bill Brockenbrough 760-2109

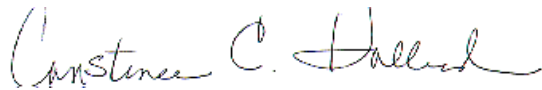
- DelDOT has, for some months, been engaged in a comprehensive rewrite of the Standards and Regulations just mentioned and anticipates adopting that rewrite in February 2015. Among the proposed changes, is the adoption of a shorter title. The Standards and Regulations would become the Development Coordination Manual. A copy of the proposed document is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>. Engineers and surveyors preparing to submit plans for review should become familiar with the proposed changes so they can know how those changes may affect their plans. DelDOT anticipates offering training on the revised regulations once they are adopted.

- We ask that the Town, in reviewing subdivision and land development plans for the Cheswold Village Properties and Our Grace Land Holdings parcels, require the applicants to obtain a Letter of No Objection to Recordation from DelDOT before approving those plans.
- It would be possible to serve the Cheswold Village Properties parcel solely by way of Jerome Drive and it might be possible to serve the Our Grace Land Holdings parcels solely by way of Simms Woods Road. However, it would be better for access and traffic circulation to create a street connection from Jerome Drive to Simms Woods Road to serve all three parcels. Having said that, we note that most or all of Our Grace Land Holdings' frontage on Simms Woods Road is on the approach to the bridge over Delaware Route 1. Without an entrance plan to review, we cannot commit to granting any particular access to these parcels on Simms Woods Road.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. 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, Office of State Planning Coordination