



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

November 30, 2015

Dawson Green
Town of Townsend
P.O. Box 223
661 South Street
Townsend, DE 19734

RE: PLUS review 2015-10-08; Town of Townsend Comprehensive Plan Amendment

Dear Mr. Green:

Thank you for meeting with State agency planners on October 28th, 2015 to discuss the proposed comprehensive Plan Amendment for the Town of Townsend. According to the information received the amendment will add two parcels to the Town's annexation area and change the land use designation for two parcels already within the Town's limits from Commercial to Industrial.

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: Herb Inden 739-3090

- The Town of Townsend should coordinate with New Castle County on the proposed parcels currently located outside of your proposed jurisdiction. As you know, New Castle County must agree to and annexation of these parcels prior to the beginning of the annexation process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Regarding the proposed change to the future land use on Cannery Lane, if the Town finds the change currently proposed to be appropriate, we suggest that they consider making a similar change to the developed parcel at 635 Cannery Lane (Tax Parcel No. 25-003.00-061). Factors to consider might include the wishes of the property owner, the compatibility of the existing office building with the regulations for the Industrial zoning district and the viability of the property as a single commercial development surrounded by industrial uses.

Department of Natural Resources and Environmental Control – Contact: Michael Tholstrup 735-3352

Source Water Protection Areas

- The DNREC Ground-Water Protection Branch (GPB) has determined that several of the parcels identified in the proposed amendment fall within an excellent ground water recharge potential area (see map).

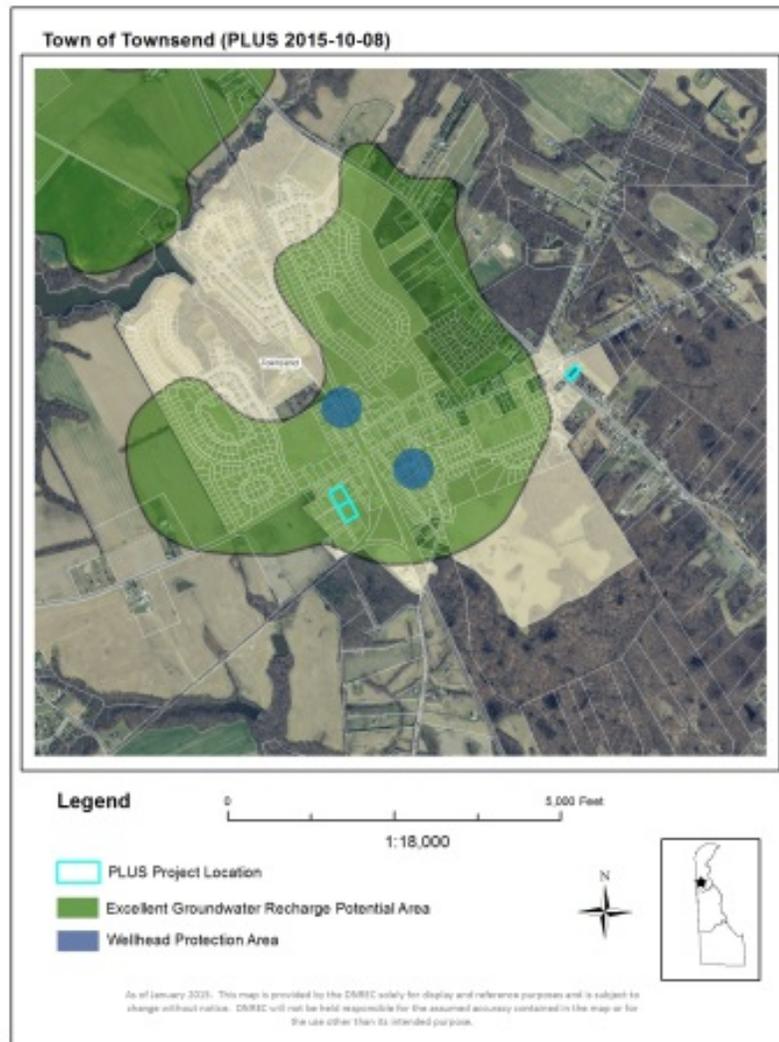
GPB acknowledges that the Town has adopted water resource protection area ordinances and applauds the Town's efforts to minimize industrial land use in water resource protection areas. However, the proposed zoning change of the Cannery Lane Parcels from commercial to industrial has the potential to introduce contaminants to the excellent groundwater recharge potential area.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect ground water in these areas.

In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.
<http://www.udel.edu/dgs/Publications/pubform.html#investigations>



Tank Management

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60; 7 Del.C., Chapter 74; and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.
 - The following confirmed leaking underground storage tank (LUST) project is located within the boundary of the project parcel area: #2500300059, #2500300060
 - Esther Johnson Property, Facility: 3-02017, Project: N9910204 (Inactive)
 - The following confirmed leaking underground storage tank (LUST) project is located within a quarter mile from the proposed project area: # 2500200095

- Ron's Texaco, Facility: 3-000225 , Project: N8901152 (Inactive)
 - E&P Market, Facility: 3-000281, Project: N9506127 (Inactive)
 - Townsend Fire Company, Facility: 3-001536, Project: N9501029 (Inactive)
- No environmental impacts are anticipated; however, per the UST Regulations: Part E, § 1. Reporting Requirements:
 - Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department's 24-hour Release Hot Line by calling (800) 662-8802; and
 - The DNREC Tank Management Section by calling (302) 395-2500.
 - Should the municipality anticipate being more restrictive than Delaware's Regulations Governing Underground Storage Tank Systems or Delaware's Regulations Governing Aboveground Storage Tanks, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.
 - When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.
 - If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- The Town should be aware that the parcels on Cannery Lane are near the Townsend Historic District, which is listed in the National Register of Historic Places. Furthermore, there are no known archaeological sites or National Register-listed property on parcels on Summit Bridge Road. If any development or construction project proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law, which is in, Chapter 54, of Title 7, of the Delaware Code.

Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a

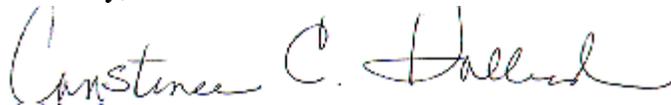
qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please check the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

- 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 cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at www.achp.gov.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward the adopting ordinance or other documentation and 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". The signature is written in black ink and is positioned above the typed name and title.

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