



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 20, 2017

Ms. Rebecca Green
Town of Felton
P.O. Box 329
Felton, DE 19943

RE: PLUS review 2017-03-01, Felton Comprehensive Plan Amendment

Dear Rebecca,

Thank you for meeting with State agency planners on March 22, 2017 to discuss the proposed comprehensive Plan Amendment for the Town of Felton. This amendment will change the Future Land Use Map for 422 South Erin Ave. from R2 to Commercial in anticipation of a future rezoning to Commercial zoning.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact Connie Holland 739-3090

- This proposed amendment to the future land use plan is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed plan amendment.
- At the PLUS meeting we discussed the small size of the lot relative to the requirements for right-of-way, easements and the bulk standards for commercial projects in Felton's land use ordinance. There was some concern that development options would be very limited if the land use and zoning for this lot were changed to commercial. The Town of Felton is encouraged to evaluate these issues before making a final decision on this plan amendment and any subsequent rezoning of the property.

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

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT has no comments on the proposed map amendment or the rezoning that it would enable but the Town should be aware that all access to the parcel would need to be by way of Erin Avenue, which is a Town-maintained street. DelDOT would not permit access on US Route 13 for this parcel in isolation. If it were combined with other lands, e.g. the next parcel to the south, DelDOT would address that situation when presented with a specific plan.
- If the Town requires a DelDOT Letter of No Objection to Recordation (LONOR), DelDOT will review the record plan for the site in accordance with Section P.3 of the Development Coordination Manual. As Erin Avenue is a Town-maintained street, DelDOT will not participate in the Town's entrance permitting process. Further, in accordance with Section 3.2.5 of the Manual, DelDOT would condition the LONOR on the applicant providing 30 feet of right-of-way from the outermost edge of the through lanes on US Route 13 and a 15-foot permanent easement outside that right-of-way. Finally, the developer should expect a requirement to provide a sidewalk or shared-use path that meets Americans with Disabilities Act (ADA) standards along their frontage on US Route 13.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known archaeological site or National Register listed property, on this parcel. If any project or development proceeds, be aware of the Unmarked Human Burials and Human Skeletal Remains Law, 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 (Del. C. Title 7, 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 see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and plan to avoid those sites or areas.

- If there is federal involvement, 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. Furthermore, 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 the following: www.achp.gov.

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 blue ink, appearing to read "Constance C. Holland".

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