



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

May 22, 2018

Michael Riemann, P.E.  
Becker Morgan Group, Inc.  
309 S. Governors Ave.  
Dover, DE 19904

RE: PLUS review 2018-04-03, Schoolview Crossing

Dear Michael,

Thank you for meeting with State agency planners on April 25, 2018 to discuss the Schoolview Crossing project. According to the information received, you are seeking a review of a 14 unit subdivision on 1.08 acres along Center Street in the Town of Wyoming.

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 developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Wyoming is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town as well as Kent County.**

**Strategies for State Policies and Spending**

- This project 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. Thus, the Office of State Planning Coordination has no objections to this subdivision.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The proposed site access is acceptable to DelDOT in that it would be by way of Center Street, which is a Town-maintained Street. DelDOT would not permit access on North Caesar Rodney Avenue (Kent Road 53).

- 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 Center Street 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 centerline of the road along North Caesar Rodney Avenue and a 15-foot permanent easement outside that right-of-way.

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

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There was a known dwelling (K05515) and dwelling complex (K05514) on the west side of the parcel, east of North Caesar Rodney Avenue. Although the dwellings were demolished, there may be intact archaeological resources associated with them. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law and consider hiring a consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a 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](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml)
- 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](http://www.achp.gov)

#### **Recommendations/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

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

- It is recommended that the Town and the developer discuss the long term maintenance of the required stormwater management infrastructure during the review and approval process for this subdivision. A common practice is to form a homeowner's association and deed the stormwater system to the association. With only fourteen lots to share the future costs of maintenance, this may not be the most viable option. It is recommended that the developer and the Town consider enrolling the stormwater infrastructure in Kent County Stormwater Maintenance District program. More information can be found on the County's website here: <http://www.co.kent.de.us/planning-dept/planning/stormwater-management-district-program.aspx>

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- DelDOT has three comments on pedestrian facilities:
  - DelDOT supports the proposed path that would connect the T-turnaround at the north end of the development to North Caesar Rodney Avenue and the existing path along the school property.
  - The existing sidewalk along North Caesar Rodney Avenue is substandard in several respects but from Google Earth Streetview it appears to be in good condition. If the

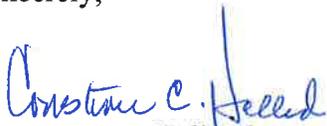
Town wishes to let the applicant leave it substantially undisturbed, DeIDOT would recommend spot improvements to eliminate the three curb cuts that are being abandoned and to route the sidewalk around the two utility poles that presently block it.

- o DeIDOT recommends that the Town require sidewalk along the development frontage on Center Street.

**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, noting whether comments were incorporated into the project design or not and the reason therefore.**

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: Kent County  
Town of Wyoming