



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

June 20, 2018

Ted Williams, P.E.  
Landmark Science & Engineering  
200 Continental Drive, Suite 400  
Newark, DE 19713

RE: PLUS review 2018-05-01; The Village at LaGrange

Dear Ted,

Thank you for meeting with State agency planners on May 23, 2018 to discuss the Village at LaGrange project. According to the information received, you are seeking review of a rezoning of 44.93 from S with Historic Overlay to ST & CR in anticipation of a site plan for 362 residential units and 66,300 square feet of commercial space along Rt. 40 In New Castle County.

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 New Castle County has governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 1 and 2 according to the *Strategies for State Policies and Spending* as well as, partially, in an Out of Play area. 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. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near term future. State investments will support growth in these areas. Out of Play reflects lands that, at the time the State Strategies were developed, were not available for private development due to public ownership and / or preservation. No structure is proposed within the Out of Play area.

The OSPC has no objection to development in Investment Levels 1 and 2 but note that participating agencies have outlined specific concerns in the paragraphs below. We ask that you address these concerns and coordinate with the respective agencies. The State Historic Preservation Office expressed strong objection to the proposal. We ask that you coordinate with them directly as you work through the New Castle County approval process and include their suggestions.

## **Code Requirements/Agency Permitting Requirements**

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

- LaGrange Boulevard, its intersections with US Route 40 and Glasgow Avenue and all site access points along it must be designed and built in accordance with DelDOT's Development Coordination Manual, which is available at <https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate approximately 4,943 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. Accordingly, DelDOT will require a TIS.

From the discussion at the PLUS Meeting, the applicant would like to have DelDOT prepare the TIS. In accordance with Section 2.2.3.2 of the Manual, the applicant's engineer should request a TIS Scoping Meeting. When the scope is established, if the applicant still wants to proceed in this manner, DelDOT will request priced proposals from two consultants already retained for this purpose. The applicant may then pay DelDOT, based on one of those proposals, and DelDOT will have the TIS done.

- In accordance with Section 3.2.5 of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on US Route 40 and Glasgow Avenue. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outermost edge of the westbound through lanes on US Route 40 and 30 feet of right-of-way from the right-of-way centerline on Glasgow Avenue, including along the frontage of the church property. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on US Route 40 and Glasgow Avenue, including the frontage of the church property. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- As per the Delaware Strategies for State Policies and Spending, this development is in Investment Levels 1 and 2. Referring to Section 3.5.4.2.A of the Manual, developments in

Level 1 and 2 Areas are required to install a sidewalk or Shared Use Path along the property frontage and to pay a fee in lieu of construction if installation is physically impossible. The paths shown on the Exploratory Major Land Development Plan appear adequate where they are shown but they are not shown along the church property frontage on Glasgow Avenue. DelDOT anticipates requiring the installation of a path along that frontage from La Grange Boulevard to Tax Parcel No. 11-021.00-007.

**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**

- The State Historic Preservation Office is not in favor of this development. The parcel of La Grange (N-576) is listed in the National Register of Historic Places. The buildings, agricultural landscape, archaeological sites, road and canal traces are all important elements of our history. The development will have adverse effects on the La Grange property through destruction of areas and through the change in setting and visual and noise intrusions in other areas.
- There are at least three known archaeological sites on the parcel, (N03760), (N06319) and (N04028), located on the western part of the parcel that are part of the Barczewski Farm. Our office recommends preserving the sites.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.
- 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. In the event of a discovery unmarked graves, burials or a cemetery, the Division of Historical & Cultural Affairs 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). 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.

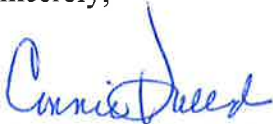
**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via <http://pdca.deldot.gov/Account/Index?ReturnUrl=%2F>
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>

**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: New Castle County