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April 25, 2007

Ms. Constance C. Holland, AICP  
State of Delaware Office of Management and Budget  
State Planning Coordination  
122 William Penn Street  
Third Floor  
Dover, DE 19901

**RE: NORTH DOVER 20  
PLUS 2005-06-22**

Dear Ms. Holland:

We are moving forward with the rezoning of this property through Kent County and would like to respond to the comments provided through the PLUS process as listed above. We have the following responses to your comments:

**Office of State Planning**

We note the project is located within the Kent County Growth Zone and can be served by public water and gravity sewer.

We acknowledge that the parcel is zoned industrial and has been for several years with no activity toward a site plan application. The site does not appear to be large enough to serve as a manufacturing use that would take advantage of the rail service.

The parcel is adjacent to the Fieldstone Village Mobile Home Park to the east and Nobles Pond development to the west. Nobles Pond is a large residential development that was recently approved under CS-04-003. We note that there are industrial and manufacturing uses in the area, but also note the residential areas and the future North Dover Park Center shopping center. It would seem this area is ideal for high density residential with connections to Fieldstone Village and the proposed shopping center.

**State Historic Preservation Office**

The wetlands shown on the property will not be disturbed during construction. The State Historic Preservation Office may check the parcel for an archeological site if the project moves forward.

## DeIDOT

A fence will be provided along the railroad right-of-way as requested. Landscaping will also be added to this area to provide a buffer to the railroad.

Access for the parcel will be off Fork Branch Road with an interconnection to Fieldstone Village to the east.

## DNREC

Wetlands are located in the northeast corner of the parcel. They are not to be disturbed during construction. A 25' minimum buffer required by Kent County Code will be provided around the delineated wetlands. A detailed wetlands report has been done by JCMECI with no mention of "prior converted wetlands".

We do not know what the impervious area will be for the project at this time. We will use BMP's to control pollutant laden runoff.

We understand that TMDL's will be required to be managed as part of the development. We will work with the Kent Conservation District to ensure these goals are met.

The site will be served by Tidewater Utilities with a public water system.

We will work with the Drainage Section to address onsite and potentially offsite drainage concerns for the site. We note the request to have all storm drain lines located within drainage easements if they are not located within the subdivision streets."

The developer will keep as many trees as possible associated with the wooded area on the north side of the site. Additional landscaping will be provided throughout the development.

Passive and active open space is proposed for the southern end of the site. These areas will be landscaped to provide additional tree planting throughout the site.

A stormwater management pond will be required for the development. We will design landscaping around the pond in accordance with the recommendations of DNREC that will deter Canada geese and mute swans.

The active open space area will be relocated to the southern end of the site, away from the train track. A fence and buffer planting will be proposed along the railroad right-of-way.

It is noted that there is one active LUST site at the Dow Reichold chemical site on the south side of Fork Branch Road. The developer has been notified that any contaminated soil discovered during construction will require notification of the Tank Management Branch.

We note that there are five SIRB sites within a ½ mile radius of the site and DNREC-SIRB does not foresee any negative impact from these sites or the project.

The project is proposed to have an interconnection with the adjoining subdivision and shopping center. This will provide walkability and provide access to mass transit services. These will act as mitigation measures to address the DNREC air quality issues.

The developer is proposing to construct energy efficient homes that incorporate Energy Star Program items.

#### **State Fire Marshal's Office**

We understand the Fire Marshal requirements for site design and fire protection measures to be incorporated into the site. The site will be served by public water to meet the fire flow requirements.

#### **Department of Agriculture**

We note the Department of Agriculture's no objection to the project due to it being located within the Growth Zone.

#### **Public Service Commission**

We acknowledge that any gas piping must be constructed within the Pipeline Safety Guidelines.

#### **Delaware State Housing Authority**

The proposed project will have an access to Fork Branch Road and an interconnection to the adjoining Fieldstone Village Mobile Home Park. This development is also targeted to seniors and will create a community atmosphere along with the opportunity to shop within walking distance. The site is also located within the Growth Zone and served by public utilities.

#### **Delaware Economic Development Office**

We understand the site is in close proximity to the Dow Reichold manufacturing facility. We are proposing to keep the residential development out of the plume area shown on the provided aerial photo. Only open space areas would be proposed within ¼ mile of the facility. This open space area would be landscaped to provide a buffer between the sites. Residents would also be able to exit through Fieldstone Village in case of emergency.

We have reviewed the DNREC Air and Waste Management complaint files for the site and note that the odor complaints for the facility have decreased dramatically from 19 in 1999 to 1 in 2004. DRSL should be commended for implementing changes to the facility to address previous odor complaints.

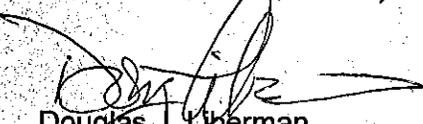
The 20 acre parcel of land has been zoned Industrial since the zoning code was implemented in the early 1970's. There has not been a site plan application for industrial use, beyond the original electrical substation, since the zoning district was established. This parcel was subdivided from the original piece in late 1994 and again, no application has come before Kent County. We would suggest that the site is too small to serve as a

manufacturing facility that would take advantage of the railroad access. If the parcel has not been pursued for industrial use in over 30 years, why would it still be considered for industrial use?

Please review the enclosed comments and call me if you have any questions.

Sincerely,

**LARSON ENGINEERING, INC.**



Douglas J. Liberman  
Vice President

PC: Kelly Crumpley – Kent County Planning