

FRIENDS OF HISTORIC GLASGOW
POSITION PAPER ON LA GRANGE RECORD PLAN SUBMISSION
24 August 2008

Friends of Historic Glasgow has reviewed Record Plan Application No. 2005-1045(S), the La Grange residential subdivision plan. Although the plan is much improved from the initial April 2005 proposal that did little to favor historic and environmental preservation, there are several deficiencies that remain. While New Castle County Department of Land Use (LU) feels the plan currently meets all legal requirements, we respectfully request that the County Council demand complete explanations on the issues and questions contained below prior to final approval.

1. Not all of the February 2006 Historic Review Board (HRB) stipulations have been fully met.
 - a. The developer has refused to provide a preservation plan for the historic manor house. Instead, he subdivided the original 236-acre farm, and began claiming that the parcel that now includes the historic structures is no longer part of the current residential subdivision plan. LU agrees with this argument. However, much of the sewer line that is to be constructed to serve the residential development runs within the boundary of the 48-acre parcel that the developer claims must be excluded from consideration. *How can this be? The developer claims that he cares about history and the wishes of the community, but if so, why won't he offer a preservation plan?*
 - b. The developer promises to fence off and leave undisturbed the Revolutionary War earthworks. However, the earthworks are not noted on the plan drawings, actual construction disturbance will occur within a few feet of the earthworks, and because the historic 18th century road along which the earthworks lay is not to be preserved, all context will be lost. This is only marginally better than allowing the earthworks to be destroyed entirely. *Why is this acceptable?*
 - c. The developer now promises to provide a land use history prior to any building permits being issued. However, such a history was requested by the HRB more than two years ago, and LU repeatedly claimed all HRB requests would have to be met before the record plan was accepted. *Why is the current plan acceptable without that requirement being met?*
 - d. LU has already accepted the developer's transfer of a two-and-three-quarter-acre parcel to the neighboring Friendship Baptist Church, in exchange for a sanitary sewer easement. This was done via a second, separate minor land use plan that was submitted by the developer in 2006, and approved in 2007. The church apparently wants to build a parking lot on this land. Such a lot would be within 500 ft. of some of the historic structures, and pave over some of the 18th century road trace. *Why is this acceptable?*
 - e. Note number 44 on the record plan specifies that the developer must post a notice of a potential street connection from South Aikens Tavern Court to future

development. Given the location of the cul-de-sac on the plan, the only way such a connection could be made would be to violate the HRB stipulation that the current 48-acre buffer and tree line around the historic farm buildings remain undisturbed. *Why is New Castle County anticipating such an interconnection in the first place?*

2. The sanitary sewer line plan apparently has never received Delaware Department of Natural Resources and Environmental Control (DNREC) review or approval.
 - a. The developer applied for a dewatering permit in order to lay his proposed sanitary sewer line across existing wetlands on the property. As a result of issues raised at a public hearing, DNREC decided the requested 1200 gallon per minute flow rate from the proposed dewatering wells was excessive, and could cause environmental harm. Therefore, DNREC issued the permit at a greatly reduced flow rate not to exceed 400 gpm.
 - b. However, in the DNREC Hearing Officer's Report, the following statement is noted: "I find that the issues raised by the construction of a sewer line should be addressed when and if the Department has an application before it to construct a sewer line. The Department does not have an application for a sewer line permit pending, which could have allowed the Department to consider the dewatering permit and sewer line permit applications at the same time." *Why has there been no opportunity, other than a dewatering permit hearing, for the public or DNREC to review the sanitary sewer plan? Is the proposed sewer line location designed to minimize environmental impact or just to minimize the developer's costs?*
3. New Castle County has never fully addressed all the concerns contained in the August 2005 Delaware State Preliminary Land Use Service (PLUS) report, and explained why the development should go forward despite these concerns. *Why not?*
 - a. Portions or all of the lands associated with this development are within the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61 that represents a network of ecologically important natural resource lands of special state conservation interest. *How does the development support the state conservation interest?*
 - b. This parcel is bounded by headwater or near headwater riparian wetlands associated with the Muddy Run Creek, which eventually drain to the water quality impaired Christina River subwatershed of the Delaware Bay. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system and/or water bodies further downstream. Research has consistently shown that once a watershed exceeds a threshold of 10% imperviousness, water and habitat quality irreversibly decline. The PLUS report estimated the original development proposal would average over 50% impervious surface area. *What is the state's estimate for the current record plan?*
 - c. The designated "private open space" provides no specific protection for the historical features and environmentally sensitive areas contained within it. It simply transfers the problem of caring for these areas to a private homeowners

association. *How does the developer plan to protect the environmental and historic features once construction is complete? Has his proposal been proven to be reasonable and effective in similar subdivisions?*

- d. The plan calls for the destruction of at least 19 acres of mature forest. This forest provides critically needed habitat for many songbirds and other species. In reality, the amount of forest that will be removed is probably higher once this site is built out and homes, driveways, sidewalks, roadways, and stormwater management ponds are constructed. Future landowner activities (construction of playgrounds, sheds, swimming pools, etc.) may also result in further clearing. Forest fragmentation caused by the current site plan greatly diminishes the value of this forest to a host of plant and animal species whether they are rare or not. *Why is this acceptable?*
- e. The plan will adversely affect Delaware's already declining air quality and the state's already overburdened solid waste disposal system. According to the PLUS report:
 - i. Once complete, vehicle emissions associated with the full project are estimated to be 17.8 tons (35,609.6 pounds) per year of VOC (volatile organic compounds), 14.7 tons (29,482.3 pounds) per year of NOx (nitrogen oxides), 10.9 tons (21,752.6 pounds) per year of SO2 (sulfur dioxide), 1.0 ton (1,936.4 pounds) per year of fine particulates and 1,489.3 tons (2,978,695.9 pounds) per year of CO2 (carbon dioxide).
 - ii. Emissions from area sources associated with the full project are estimated to be 7.2 tons (14,363.0 pounds) per year of VOC (volatile organic compounds), 0.8 ton (1,580.4 pounds) per year of NOx (nitrogen oxides), 0.7 ton (1,311.5 pounds) per year of SO2 (sulfur dioxide), 0.8 ton (1,692.4 pounds) per year of fine particulates and 29.1 tons (58,224.2 pounds) per year of CO2 (carbon dioxide).
 - iii. Each Delaware household generates approximately 3,600 pounds of solid waste per year; 227 new houses will add 409 tons of solid waste to Delaware's already overflowing landfills. Furthermore, each new house constructed will generate an additional 10,000 pounds of construction waste.
 - iv. *Has the County thoroughly considered the above impacts on the quality of life of existing residents?*
4. The plan will add to traffic congestion. The 227 housing units alone would generate an estimated 2,000 additional vehicle trips per day, all entering and exiting U.S. Route 40 via a single intersection. *The Delaware Department of Transportation (DelDOT) may accept this, but why must the people of New Castle County?*