



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 7, 2004

Mr. Gregory V. Moore
Becker, Morgan Group, Inc.
738 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – PLUS 2004-03-03; Hood Property Office Park

Dear Mr. Moore:

Thank you for meeting with State agency planners on March 24, 2004 to discuss the proposed plans for Hood Property Office Park project located on Route 24, near the intersection with Route One near the Rehoboth Mall. Part of its east boundary fronts on a private access road leading to the Rehoboth Mall.

According to the information received, you are seeking a rezoning from AR-1 to C-1 for the purpose of building 147,400 square feet of commercial space.

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

This office has received the following comments from State agencies:

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a medium probability for prehistoric and historic archeological sites within the subject parcel. If any federal funds, permits, or licenses are involved with the project, the federal agency must comply with Section 106 of the National Historic Preservation Act.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Department of Transportation notes that they recognize and commend the proposed street connection from Route 24 to Old Landing Road as an opportunity for alternative access to Route 1. DelDOT generally supports street connections between adjacent developments. DelDOT has given the following comments concerning the specific connection proposed:

1. It is understood that the entrance on Route 24 would be shared with Beebe Medical Center's outpatient facility. Preliminarily, that is acceptable, but DelDOT will need to check the subject development's entrance plan against that of the outpatient facility to verify that the proposed design can be built.
2. The property where the street would end is proposed for development as duplex condominiums and the developer, Rehoboth Beach LLC, is presently in the process of obtaining a conditional use approval for that purpose. Therefore it is imperative for the County to require that developer to provide for the continuation of the road through their property.
3. The area at the south end of the property which is reserved for future Wal-Mart store parking must be confirmed as being available for use as right-of-way.
4. As shown on the sketch plan, the applicant shows only half of the right-of-way for this street, representing the northbound side, on their property. The other half would come from lands of Beebe Medical Center. While DelDOT considers that to be a reasonable approach to providing access to both properties, they have nothing from the hospital to indicate that they are willing to provide right-of-way for the road or allow the construction of their half. Therefore, because this street is an essential feature of the plan, the developer must either provide evidence of the hospital's commitment in this regard or shift the street entirely onto their property.
5. If the proposed street is to be built as a through street, with a connection through the Rehoboth Beach LLC property to Old Landing Road, then it should be designed and built to State standards, meaning State subdivision street standards or another standard specified by DelDOT's Subdivision Engineer. If it is to serve only the subject lands, Beebe Medical Center, and possibly Rehoboth Beach LLC, then the State has no interest in accepting it for maintenance and it should be designed and built as a private drive acceptable to the County.

DelDOT will recommend that the County require a traffic impact study prior to acting on the rezoning application associated with this project. Presently it takes about a year from the initial scoping meeting until the completion of DelDOT's review of the final study.

Because DelDOT requires summer season counts for TIS in the resort area, the process may take somewhat longer in this case. To minimize the delay due to the TIS, it is recommended that the applicant retain a traffic engineer soon and have them do as much as possible on the TIS between now and the summer traffic season, which begins in the middle of June.

The developer's engineer should coordinate with the Subdivision Manager, Mr. John Fiori, to determine what will be required with regard to access. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Soils and Groundwater Recharge Potential

According to the soil survey update, Greenwich is mapped within the parcel. Greenwich is a well-drained upland soil that has few limitations for development. Infiltration and permeability is expected to be moderate to high. Depth to water table is considered to be deep (>72") based on classification.

According to the Delaware Geologic map of Ground-water Recharge Potential for Sussex County this project is located in an area of good recharge potential. This correlates well with the Greenwich soil series.

ERES Waters

This project is located within the Inland Bays watershed which is designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Inland Bays Watershed, reduction of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The jurisdictional authority for attaining these use goals fall under Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. **This project is proposed within the low nutrient reduction zone** and requires a reduction of nitrogen and phosphorus by 40 percent.

It is recommended that the applicant verify compliance with the TMDL mandate through a full nutrient accounting process known as nutrient budget. The developer/consultant should contact Lyle Jones in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget. He can be reached as 739-4590.

The developer is encouraged to reduce non-point sources of nutrient runoff through the implementation of Best Management Practices (BMPs).

Stormwater Management

The 65% impervious area while high, is not unusually so for a commercial development. The presence of well-drained soils should be evaluated for stormwater techniques such as infiltration, filtration, and bioretention. As much thought should be given to the feasibility of re-charge of stormwater runoff in the green space areas of this site as possible.

A comment from the Sussex Conservation District indicates concern for an adequate outlet for stormwater management ponds. There is a stormdrain network along Rt. 24. Discharge into DelDOT’s stormdrain system would require an approval letter from DelDOT. Adjacent developed properties have relied on infiltration for stormwater. A Certified Construction Reviewer will be required for this site.

It is strongly recommended that a pre-application meeting to discuss possible uses of “Green Technology” practices for stormwater be scheduled with the Sussex Conservation

District. DNREC will also be able to offer technical assistance from our stormwater engineering group.

Contact: Sussex Conservation District: Jessica Watson – (302) 856-7219

DNREC Stormwater Program: Randy Greer/David Twing – (302) 739-4411

Nuisance Species

The applicant should be aware that the stormwater management pond will likely attract waterfowl like resident Canada geese that will create a nuisance on site. Although small numbers of these species are enjoyed by residents and visitors, geese can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds should be landscaped to deter nuisance species. Short manicured lawns provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area are not as attractive to geese because they do not feel safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or tenants will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, proper landscaping, monitoring, and other techniques, can help reduce geese problems.

Public Service Commission – Contact: Kevin Neilson 302-739-4247

A CPCN is granted to Tidewater Utilities for this area.

Any closed propane or natural gas distribution system will have to be coordinated with pipeline safety.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and does not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (Storage/Industrial/Mercantile) sites, the infrastructure for fire

protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads
- Provide letter from Physicians for medical offices describing type of care, number of patients being treated/under anesthesia, and if Medicare or Medicaid patients will be treated

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Department of Agriculture encourages the developer to contact the Community and Urban Forestry Section of DDA for assistance in environmentally friendly and aesthetically pleasing subdivision design. DDA also strongly encourages the use of not only non-invasive species, but native species, in landscape planting. Brian Hall, Urban and Community Forester should be contacted for assistance in this effort.

Delaware Economic Development Office - Contact: Dorrie Moore 739-4271

The Delaware Economic Development Office (DEDO) supports the office/mixed commercial project in Sussex County. There is a need for Class A office space in Sussex and this project will provide an attractive, functional park with all the amenities in a great location.

Sussex County – Contact Rick Kautz: 855-7878

The parcel and area is adjacent to the West Rehoboth Expansion Area and can be considered for annexation into the sewer district. The parcel was included in the West Rehoboth Area Planning Study as it is in the annexation area in to the Development District South area. Compliance with Amendment 3, of the West Rehoboth Area Planning Study or undertaking and amendment is required to receive sewer service. Capacity is available for up to 160 equivalent dwelling units (EDU). The developer is required to build the collection system to Sussex County standard specifications (ordinance 38) requirements and The Sussex County Engineer must approve the final connection point. System connection charges of \$3,369.00 per EDU will apply to the project. The Sussex County Engineering Department should be contacted for the steps to be completed for a sewer district expansion.

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Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP

Director

CC: Sussex County