



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 17, 2004

Mr. Zachary Crouch
Davis, Bowen & Friedel
23 North Walnut Street
P.O. Box 809
Milford, DE 19963

RE: PLUS review – PLUS #2004-05-01 – Mears Property

Dear Mr. Crouch:

Thank you for meeting with State agency planners on May 27, 2004 to discuss the proposed plans for the Mears property located west of the intersection of Herring Run Road and Bridgeville Highway.

According to the information received, you are seeking a rezoning from R-3 to R-2 for the purpose of developing 213 residential lots on 60.17 acres.

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:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that this project is located within the City of Seaford. According to the 1999 Strategies for State Policies and Spending, this project is located within a “developing area.” The 2004 draft update of the Strategies for State Policies and Spending reflect this area as “Investment Levels 1 and 2”, where the State policies encourage infill and planned development. We also note that the location

of this project is consistent with both the Sussex County and City of Seaford Comprehensive Plans.

As this project moves forward, we urge the developer to incorporate a site design and architectural scheme that is in keeping with the City's character. We encourage the developer to look for opportunities to fully integrate this project into the City of Seaford. Although opportunities for vehicular connection may be limited because of Herring Run to the south and the City's public works facility to the west, we encourage the developer to incorporate bicycle and pedestrian connections where possible. DNREC's comments on recreation offer additional suggestions on this. Our newly published "Better Models for Development in Delaware", which was shared at the meeting on May 27 offer some ideas on providing a site and architectural design for the project that provides a true connection with the City.

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

There is a property listed in the National Register of Historic Places located next to the southeast corner of the proposed development and which faces onto Bridgeville Highway. It is recommended that the trees in this area be retained.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

In accordance with Section 2 of DelDOT's Rules and Regulations for Subdivision Streets DelDOT will require a right-of-way dedication of 30 feet from the centerline on Herring Run Road.

DelDOT will require a sight distance analysis at the proposed entrance location.

DelDOT would appreciate the proposed stub street to out parcel 1. However, it is recommended that it be extended east through Out parcel 1 and connected to the entrance to the Nanticoke Memorial Hospital Campus as part of the present plan. Providing the extension now would promote connections between adjacent land uses and eliminate the possible need for separate access on Herring Run Road for out parcel 1 in the future.

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

Soils

The soils on the subject parcel were mapped as Evesboro and Rumford by the Sussex County soil survey. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability.

Although the soils on this parcel are fairly well drained, they have some limitations associated with rapidly permeable sandy subsurface horizons. Such soils are conducive to

nutrient leaching via groundwater or surface runoff into the surrounding watershed. In soils containing shallow water tables or found in close proximity to waterbodies, these impacts are greatly intensified.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Chesapeake Bay Watershed, reduction of nitrogen and phosphorus loading will be obligatory. 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. In the Chesapeake Watershed, “target-rate-reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals fall under the auspices of 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.”

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses. A 100-foot minimum isolation distance is recommended from all wetlands or waterbodies.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters of the Chesapeake Bay Watershed; 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. Provisions in Section 11.5 of Delaware’s “Surface Water Quality Standards” (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a “pollution control strategy” to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

Stormwater Management

The applicant is encouraged to contact the Sussex Conservation District stormwater program (302) 856-7219, Jessica Watson, as soon as possible for a pre-application meeting. The DNREC drainage section should also be contacted at (302) 856-5488 to discuss any easements or restrictions on the public ditch on the property.

Recreation

It is recommended that sidewalks be built fronting every residence. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

We see the potential for future residents to access downtown Seaford via a bike and pedestrian pathway from the southwest corner of the property. Due to this site's proximity to downtown Seaford including the nearby schools and the outdoor recreation opportunities they provide, we encourage that a bike and pedestrian access point be included in the design.

If a trail system is planned, we recommend that a series of stacking trail loops be designed with access points in each subdivision "pod" and connections to adjacent communities. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access points, often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at (302) 739-5285.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

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

These comments are intended for informational use only and do 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 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, 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 of 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
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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. This means that the access road to the subdivision from Herring Run Road must be constructed so fire department apparatus may negotiate it.
- 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)
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - 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

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

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

The DDA supports the project’s location in a developing area on the state spending map; however, the Department encourages the developer to reassess the design of this project. They encourage using the newly published “Better Models for Development in Delaware” in redesigning the proposed subdivision plan.

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-

PLUS – Mears Property (2004-05-01)

June 17, 2004

Page 7 of 7

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,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Constance C. Holland, AICP
Director

CC: Sussex County
City of Seaford