



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 21, 2004

Mr. Gary Harvath
Kent Construction
2 Big Oak Road
Smyrna, DE 19977

RE: PLUS review – PLUS 2004-06-02; Kent Construction

Dear Mr. Harvath:

Thank you for meeting with State agency planners on June 30, 2004 to discuss the proposed plans for 2.2 acres located on the South side of SHR 325, adjacent to the west side of Route 1.

According to the information received, you are seeking a rezoning from AC to IG for the purpose of storing dumpsters and possibly a small shop to be used for the repair of these dumpsters. Many of the State comments are with regard to the possible construction of a shop on this site.

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 Kent 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: David Edgell 739-3090

This project is located in Investment Level 2 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. This site is also located in the Kent County Growth Zone. 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.

Our office has no objections to the proposed rezoning and development of this project in accordance with the relevant County codes and ordinances.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

On June 7 DelDOT wrote to Kent County, informing them that a traffic impact study (TIS) would not be necessary for this project. That is still their position.

- 1) In answering question 37 of the PLUS form, the applicant indicated that connection to public roads was “N/A,” which DelDOT took to mean Not Applicable. The applicant explained at the meeting that an entrance on Big Oak Road is needed and that they wish to use an existing entrance built to access a TV transmission antenna south of the site. While it may be possible to use that entrance without improvements, a new entrance permit will be needed. Sight distance to the east will have to be evaluated and a new entrance permit may not be granted. Our concern is that exiting traffic may not be visible to westbound traffic due to the Route 1 overpass abutment.
- 2) The information provided does not indicate what the existing right-of-way width is for Big Oak Road. Big Oak Road is classified as a local road. DelDOT’s policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. DelDOT will require right-of-way dedication from this project to provide that 30 feet.
- 3) The applicant’s engineer should coordinate with the DelDOT Subdivision Manager for Kent County, Mr. George Shaw, regarding their requirements with regard to the design of the site entrance. Mr. Shaw may be reached at (302) 760-2261.

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

According to the Kent County soil survey, Sassafras and Matapeake were mapped in the immediate vicinity of the proposed construction. Sassafras and Matapeake are well-drained upland soils that have few limitations for development.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Leipsic River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATS) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Stormwater Management

Source: Delaware Sediment and Stormwater Regulations

Requirements:

1. The Kent Conservation District has no specific comments regarding the rezoning of this site. However any land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.
2. Based on the site characteristics, a pre-application meeting is suggested to determine if a permit is required based on the intended development of the site.

Drainage

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

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:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 SqFt, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 SqFt Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 SqFt. or less
- 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

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 site from Big Oak 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

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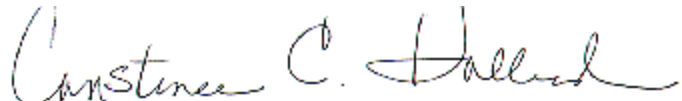
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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.

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,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP

Director

CC: Kent County