



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

July 16, 2004

Ms. Pam Scott  
Blenheim Bayberry, LLC  
220 Continental Drive, Suite 410  
Newark, DE 19713

RE: PLUS review – PLUS 2004-06-14 – Villages of Bayberry

Dear Ms. Scott:

Thank you for meeting with State agency planners on June 30, 2004 to discuss the proposed plans for the Villages of Bayberry project to be located on the north side of Delaware Route 896 between Cedar Lane Road and the Grande View Farms subdivision.

According to the information received, you are seeking a rezoning from S to CR to build a mixed-use development consisting of 149 townhouses, 396 apartments, 720 square feet of office space, and 371,500 square foot of retail space. This PLUS meeting was held specifically to discuss the town center portion of the parcel.

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 New Castle 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: Herb Inden 739-3090**

The Office of State Planning Coordination notes that this project is in a “secondary developing” area according to the 1999 Strategies for State Policies and Spending. The current draft of the 2004 Strategies for State Policies and Spending indicates that this area

will be in the “Investment Level 2” designation, where the State policies should support orderly and well-planned growth. We also note that this project is in the County’s Suburban zone which is to be the first area to be sewered. For these reasons, the Office of State Planning Coordination supports the location of a mixed use project on this site.

It is particularly important that all components of Bayberry be developed together as that is what could make this project consistent with the goals of the Livable Delaware program. The town center developed integrally with the residential components especially with a focus on pedestrian access and open space will clearly be a Livable Delaware type project that not only will be less costly to provide infrastructure and services to and have less environmental impacts, but, it will also provide a high quality environment that people can live, work, shop and recreate in without relying on an automobile.

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

There is an agricultural complex on the subject property, which could have potential to be historic. Further evaluation would be necessary. Part of the historic context of this property is the agricultural lands, which will be diminished with this development, therefore lessening the historic significance of this property. Number 41 on page 5 of the PLUS Application states that the NCC Land Use Department performed a site reconnaissance, which the developers explained involved a site visit by the preservation planner, who stated that she did not find anything historic. They added that this proposal will go before the NCC Historic Review Board. It is recommended that some open space and landscape buffers be provided along the edges of the development, around this older property, to lessen the visual and physical effects the new development would cause.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

DelDOT supports this project as an example of a mixed-use development that can, relative to other types of development that might occur there, shorten trip lengths and thereby reduce traffic. By providing employment and shopping opportunities in a largely residential area, this project will result in shorter trips for people who would otherwise be driving to Middletown or points north of the Chesapeake and Delaware Canal. Also, by providing residential development within walking and bicycling distance of those employment and shopping opportunities, this project would eliminate many vehicular trips altogether.

DelDOT met with representatives of the New Castle County Department of Special Services on Tuesday, July 6, to review their plans for sewers in the area of this project. That review identified changes that should be made to those plans and some of those changes could affect this project. We recommend that the developer have their engineers maintain coordination with the Department of Special Services while the sewer plans are being finalized.

Also, DelDOT is working with the New Castle County Department of Land Use to establish a centerline for the realignment of Jamison Corner Road (New Castle Road 413). The location of that new alignment will affect the west edge of the subject land. Otherwise, DelDOT comments

are contained in the enclosed letter dated May 21, 2004 and the enclosed memorandum from a June 4, 2004, meeting.

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

**Soils**

According to the soil survey update, the following soils were mapped in the immediate vicinity of the proposed construction:

Well drained- Reybold-Sassafras & Reybold-Hambrook complex  
Moderately well drained – Woodstown

**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. 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 will 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.”

Nutrient reductions prescribed under TMDLs are assigned to those watersheds or subwatersheds on the basis of recognized water quality impairments. In the Appoquinimink subwatershed, the primary source of water quality impairment is associated with nutrient runoff from agricultural and/or residential development. In order to mitigate the aforementioned impairments, a TMDL reduction level of 40 percent will be required for both nitrogen and phosphorus.

**In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones (739-4590) in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget.**

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate any potential nutrient runoff into an adjoining streams or watercourse.

## **Water Supply**

The project information sheets state water will be provided to the project by Artesian Water Company and/or Tidewater Utilities via a central water system. Our records indicate that the project is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity 94-CPCN 01 and 94-CPCN-20. If the developer would rather have Tidewater Utilities serve them, then they should contact the Public Service Commission. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

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. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

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.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

## **Stormwater Management**

Review and approval of the sediment and stormwater plan for this project will be handled by New Castle County Department of Land Use. Contact that office directly at (302) 395-5470.

The application for this project lists several methods of stormwater management, some of which (stormceptors, degritters, oil-water separators) are not approved as stand-alone stormwater quality treatment measures. These methods may be used in conjunction with other quality treatment measures or as a pre-treatment for infiltration. Please be advised that close coordination with the Department of Land Use will be necessary for approval of each of the proposed stormwater management methods.

## **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.

If a trail system is planned, it is recommended 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.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Southern New Castle County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

High Priorities include walking or jogging paths, bike paths, swimming pools, and picnic areas.

Moderate Priorities include hiking trails, fishing areas, playgrounds, soccer fields, skate facilities, baseball/softball fields, tennis courts, basketball courts, ATV trails, lacrosse fields, and campgrounds.

### **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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- 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, Business, Multi-Family, and Daycare)
- 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

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 Boyd's Corner 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)
- Note indicating if buildings are 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Mark Davis 739-4811**

The area surrounding the proposed subdivision is still an active viable agricultural community. The development of this site would more than likely interfere with the normal agricultural practices of the community. However, we realize this area is in flux, with much land being taken out of production for residential dwelling purposes.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Recent legislation placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, the service provider will need to apply to become a regulated entity (if not already), as well as apply for a CPCN to provide sewer services.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247

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

PLUS 2004-06-14 – Villages of Bayberry Town Center

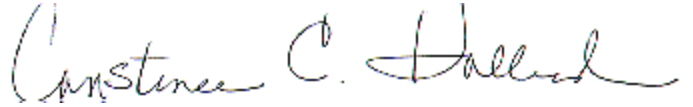
July 16, 2004

Page 8 of 8

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". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP  
Director

CC: New Castle County