



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 11, 2004

Mr. Kenneth Christenbury, P.E.
River Basin Engineering
17585 Nassau Commons Blvd., Suite 3
Lewes, DE 19958

RE: PLUS review – PLUS 2004-07-04; Georgetown Commercial Project

Dear Mr. Christenbury:

Thank you for meeting with State agency planners on July 28, 2004 to discuss the proposed plans for Georgetown Commercial Center project to be located on southbound U.S. Route 113, approximately ½ mile north of Route 9.

According to the information received, you are seeking a rezoning from AR to HC for the purpose of building three businesses on three separate 1.5 acre parcels. These would consist of a 9,940 square foot kitchen supply store, a 4,800 square foot car wash, and an 8,400 square foot medical office building.

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

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 notes that this project area is pending annexation into the Town of Georgetown. The Office is currently in the process of reviewing the Plan of Services for the annexation and has commented to the Town separately regarding the annexation.

This project is located in an "Investment Level 1" area according to the 2004 draft Strategies for State Policies and Spending. The Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is currently awaiting final approval by Governor Minner. The State supports infill, redevelopment, and well-planned development in these areas.

The Office of State Planning Coordination recommends that the developer employ some of the concepts discussed in the "Better Models for Development in Delaware" publication to create development that complements the community. We encourage attractive commercial development that connects with other development, rather than conventional commercial strip development.

Because this proposal is moving forward concurrently with a proposal for the adjacent Isaac Farm to the south, it is recommended that the developers coordinate so that the projects might fit together cohesively and possibly connect.

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

There is a high probability for archaeological sites within the property.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Presently, DelDOT is engaged in a US Route 113 North-South Study, which is developing alternative alignments for improving and/or bypassing that road. One of the alternatives under consideration is to improve the existing road. The current concept for doing that would deny access along the southbound lanes, build new northbound lanes in the median and convert the existing northbound lanes into a service road. If we select that alternative, this development would lose any access on Route 113 that it might otherwise get.

While it might be reasonable to serve the kitchen supply store and the medical office building only by Truitt Avenue, the car wash might not be a viable business without highway access.

By the spring of 2005 DelDOT expects to determine which alternatives merit detailed study, and later that year to select an alignment. Therefore it may be worthwhile for the applicant to continue the land development process, however, you and the Town should be aware that DelDOT might need to acquire their access rights along Route 113.

For more information on the US Route 113 North-South Study, the developer should contact the project manager for that study, Mr. Monroe Hite. He may be reached at (302) 760-2120.

As acknowledged on the PLUS form, the section of Route 113 where the site has frontage is subject to the Corridor Capacity Preservation Program. Therefore, and because the site has alternative access on Truitt Avenue, DelDOT will not permit access directly onto Route 113. Pursuant to the Town's request at the PLUS meeting, DelDOT met with the Town and the developer on this subject on August 9, 2004. Forthcoming correspondence from DelDOT will address the discussion from this meeting.

A note on the concept plan indicates, "the Town of Georgetown will require curb and sidewalk along U.S. Route # 113 and Truitt Avenue." Presumably this requirement refers only to the proposed development's frontage. Because Truitt Avenue is presently a residential street of some age, DelDOT would recommend that the Town require the developer to build or improve Truitt Avenue to meet Town standards from the south end of the south parcel to Ennis Road (Sussex Road 519). If the Town also approves the proposed Isaacs Farm annexation, it may be reasonable to have them share this expense with the developer of those lands.

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

Soils

According to the recent soil survey update, the soils in the vicinity of the proposed construction are mapped as Klej, Hurlock, and Mullica. Klej is a transitional soil between uplands and wetlands that contains both hydric (indicative of wetlands) and non-hydric (upland) soil components. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Mullica is a very poorly-drained wetland associated (hydric) soil that has severe limitations for development. Approximately 70-80 percent of subject parcel contains wetland associated (hydric) soils.

The soils on this parcel also contain rapidly permeable sandy surface and subsurface horizons. Such soils are conducive to nutrient leaching via groundwater or surface runoff into the surrounding watershed. In soils containing shallow water tables (of which most of this parcel contains), these impacts are greatly intensified. The developer should reduce the amount of impervious cover within this commercial site in order to maintain water quality within the Inland Bays watershed.

ERES Waters

This project is located adjacent to receiving waters of Inland Bays 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.

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 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. The high reduction zone corresponds to the western portion of the watershed, and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion of the watershed, and requires a reduction of nitrogen and phosphorus by 40 percent. **This project is proposed within the high nutrient reduction zone.**

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as a nutrient budget shall be required. This nutrient budget shall assess and compare contemporary nutrient loading rates from current land use(s), with those projected for the changed land use(s). Under the current TMDL nutrient reduction criterion for the Inland Bays watershed, all lands bounded by said watershed must demonstrate nutrient reductions that meet or exceed those percentage reduction level(s) prescribed for that reduction zone (e.g., high or low reduction zone

To ensure that the desired reductions are consistent with said TMDL, the nutrient budget should employ relevant scientifically defensible assumptions from peer-reviewed research conducted in a geologic setting similar to that of the coastal plain of Delaware.

Such a model is currently being developed by the Department. 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.

Water Supply

The information provided indicates that the Town of Georgetown will provide water to the proposed projects through a central public water system. If this parcel is annexed, as proposed, the Town of Georgetown will need to send notification to the Public Service Commission so that their CPCN can be extended. If it is not annexed, the water provider will need to file an application for a CPCN with 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 Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 to schedule a pre-application meeting as soon as possible.

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: Duane Fox 856-5298

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.
- 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. This means that the access road to the subdivision from US Route 113 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 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 buildings 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 buildings.

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.

Public Service Commission - Contact: Michael Malak 739-4247

As noted before, the Town of Georgetown must notify the Public Service Commission once annexation is completed.

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Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

No significant impact to public safety is foreseen by implementation of this project.

Following receipt of this letter and before the site plan is approved by the Town of Georgetown, 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: Debbie Pfeil, Town of Georgetown.
Richard Kautz, Sussex County