



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

August 16, 2004

Mr. David C. Braun  
Donovan Associates  
429 South Governors Avenue  
Dover, DE 19904

RE: PLUS review – PLUS 2004-07-11; Britt's Overhead Door

Dear Mr. Braun:

Thank you for meeting with State agency planners on July 28, 2004 to discuss the proposed plans for the Britt's Overhead Door project located on U.S. 13, south of Felton.

According to the information received, you are seeking rezoning of 2.67 acres of the total parcel to bring the existing overhead door business into compliance with the County zoning code.

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 3 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. We note that this site is also located inside the Kent County Growth Zone. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future. State investments will support growth in these areas, but may not be available in the near term future. Our office has no objections to the proposed rezoning of this site to bring the existing use into conformance with County codes and ordinances.

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

While SHPO has no objections to this rezoning, they have noted that there is an archaeological site in the northeast corner of the parcels and a high probability for other sites within the area. The application is for a Request for Rezoning, however the owner discussed plans for a new warehouse and residence to be built on the parcels sometime in the future. It is requested that the owners call the SHPO office to meet with an archaeologist and discuss the archaeological site and probability for other sites within the parcels and to learn how best to avoid or lessen any harm to the sites when planning future buildings.

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

In answering Question 36 on the PLUS form, Mr. & Mrs. Brittingham indicated that the project would generate no additional traffic and that 25 percent of the additional traffic will be trucks. After meeting on the 28<sup>th</sup> DelDOT now understands that no additional traffic is anticipated, but it is unclear what was meant by the 25 percent figure. It does not appear that 25 percent of the existing site traffic is trucks.

As part of the Corridor Capacity Preservation Program, DelDOT is pursuing the development of a service road along the east side of Route 13 north of Killens Pond Road (Kent Road 384) as parcels are developed there. When the service road reaches this property, DelDOT will close the existing access on Route 13 and require the property owners to connect to the service road at their expense and to use it as their only access.

To DelDOT’s knowledge, the existing entrance was approved only as a residential driveway. Therefore, if they are to continue using it as an entrance for their business, the owner must contact Mr. Robert Greybill, DelDOT’s Central District Public Works Engineer, to determine what, if any, improvements will be needed to meet the DelDOT commercial entrance standards. Mr. Greybill may be reached at 760-2316.

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

**Soils**

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Well drained – Sassafras
- Poorly drained (**hydric**) – Fallsington
- Very poorly drained (**hydric**) –Johnston (**floodplain**)

Normally, Sassafras is a well-drained upland soil with few limitations for development but since it is adjacent to Fallsington soils it will not be as well drained as mapped.

Fallsington is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

### **TMDLs**

Total Maximum Daily Loads (TMDLs) for the Murderkill watershed has been developed and promulgated as regulations. This TMDL requires a 50% reduction in total nitrogen and 30% reduction in total phosphorous nonpoint source loads to the Murderkill River. In response to the TMDL, Kent County requires that: 7. Individual residential or community on-site sewage treatment and disposal systems sited in a watershed with an established Total maximum Daily Load (TMDL) shall be designed and installed in accordance with the nutrient load reductions prescribed by the TMDL or they shall use the best available technologies in order to achieve the required nutrient reduction targets set for the particular watershed.

Tributary Action Teams (TATs) are completely community based consisting of local citizens, environmentalists, developers, golf course superintendents, farmers, grandparents and government officials from every level. TATs work to develop strategies to reduce nutrient contributions to the water and restore our watershed's natural habitats. The Murderkill Tributary Action Team is working to finalize recommendations related to development, individual household efforts, and to prioritize recommendations (Pollution Control Strategy (PCS)) for this TMDL. The Team expects to have a completed PCS promulgated sometime in the fall of 2004. Therefore, the developer must employ the best available technologies and/or best management practices that reduce nutrient loads associated development.

### **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. 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: 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.
  - 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 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 US 13 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

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

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This parcel is included in a currently pending application by the Town of Felton. Engineers with the Town have proposed modification to the application that would remove this parcel from the proposed CPCN area. If the modification becomes final, Felton would need to apply for a new CPCN to serve the project.

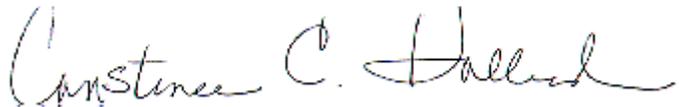
The project information sheets state that individual on-site wells will be used to provide water for the proposed project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. If you have any questions, please 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 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  
Town of Felton  
Richard & Sandra Brittingham