



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

September 9, 2004

Mr. Christopher M. O'Keefe  
Vandemark & Lynch, Inc.  
P.O. Box 2047  
Wilmington, DE 19899

RE: PLUS review – PLUS 2004-08-10; John J. McGrellis/Valley Road Hall

Dear Mr. O'Keefe:

Thank you for meeting with State agency planners on August 25, 2004 to discuss the proposed plans for the John J. McGrellis/Valley Road Hall project to be located on Valley Road in Hockessin.

According to the information received, you are seeking a rezoning of 19.0 acres through New Castle County from S to CN for the purpose of constructing a 24,150 sq. ft. auction and social hall.

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 “rural” area according to the 1999 Strategies for State Policies and Spending. However, 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. Because the draft strategies will be finalized this month

without any changes to its current form, we find that this project is not inconsistent. As such, we will find this project supportable if the County determines that it is appropriate and modifies its comprehensive plan accordingly.

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

On July 20, 2004, DelDOT wrote to Mr. McGrellis to say that they would require a traffic impact study in association with this project. It was expressed that this land use, when introduced into an area with existing pedestrian safety and operational concerns, must be reviewed in that context. On that basis, DelDOT recommends that Mr. McGrellis have his traffic engineer meet with them to discuss a scope of work for a study that addresses those issues with a more comprehensive approach.

**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 –Chester
- Moderately well drained – Glenville
- Poorly drained (**hydric**) - Hatboro

Chester is a well-drained upland soil that, generally, has few limitations for development. Glenville is a moderately well-drained soil of low-lying uplands that moderate limitations for development. Hatboro is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

**Wetlands**

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine unconsolidated bottom wetlands were mapped on subject parcel.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they may be subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands. Specific regulatory questions pertaining to nontidal wetland regulations should be directed to the Army Corps of Engineers (ACOE). **An ACOE approved field wetlands delineation is strongly recommended to gain approval for this project.**

It should also be noted that this parcel contains sensitive headwater riparian wetlands associated with the Mill Creek. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions

throughout the length of the stream, including the floodplain system downstream. That is, headwater riparian wetlands not only protect and enhance water quality; they provide migratory corridors and habitat for a variety of wildlife species. **Therefore, the Department strongly advocates a minimum 100-foot buffer width from the landward edge of all wetlands and/or water bodies. The Department strongly prefers, however, that all forested wetlands and/or uplands contiguous to the above-referenced riparian area be preserved in their entirety.**

### **Buffers**

**The Department strongly recommends that the periphery of any existing or proposed ponds (including stormwater management ponds) contain a 50-foot buffer of native woody and/or herbaceous vegetation. This buffer will serve to reduce nutrient runoff into the pond and reduce the problems associated with nuisance algae and geese.**

Further, in areas where the where the existing natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/reestablish native herbaceous and/or woody vegetation to said buffer width or greater.

### **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 this portion of the Red Clay Creek, 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.

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. **The previously mentioned recommendation for a 100-foot minimum isolation distance from all waterbodies and wetlands is an important BMP management technique to help the State of Delaware achieve its nutrient pollutant load reduction goals.**

### **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**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through New Castle County Department of Land Use. The Department of Land Use has already provided some preliminary comments.

The application states that bioretention will be used for stormwater management. A large impervious area is proposed for the site. It is recommended that several smaller bioretention areas be used throughout the parking lot (in the island, for example) rather than one large bioretention area. Construction of smaller bioretention areas is more easily accomplished, and treatment closer to the site is preferred over collecting and conveying runoff by pipe to a single facility.

### **Habitat**

A review of our database has revealed that there may be suitable habitat for the federally listed bog turtle (*Glyptemys muhlenbergii*) within the proposed project area. Because the bog turtle is a federally listed species, protected under the Endangered Species Act, its presence can affect the scope of work. To ensure that the project will not impact bog turtles or their habitat, Phase I surveys for bog turtle habitat should be conducted. If potential bog turtle habitat is found during Phase I surveys, you are required to either:

- 1) Completely avoid all direct and indirect project impacts to the wetland, in consultation with the U.S. Fish and Wildlife Service and Delaware Division of Fish and Wildlife;

**OR**

- 2) Have surveys conducted to determine if bog turtles are present. In accordance with Delaware's bog turtle site survey procedures, surveys must be conducted by a State-approved bog turtle surveyor between April 15 and June 15.

Phase I surveys can be conducted any time of year when snow cover is not present. If potential habitat is found, however, please note there is a time of year restriction during which Phase II surveys for bog turtles must be conducted. Please contact Holly Niederriter (302-653-2880) to obtain a list of Delaware approved bog turtle surveyors that you may contact to conduct Phase I and, if necessary, Phase II surveys. A review of our database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site.

### **Revegetation**

It is requested that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <[www.dnrec.state.de.us/fw/invasive.htm](http://www.dnrec.state.de.us/fw/invasive.htm)>. DNREC recommends the use of native plants and their Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

### **Recreation**

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

### **Underground Storage Tanks**

There is one inactive LUST sites located near the proposed project:

Canoriano Mushrooms, Facility # 3-001307, Project # N9211255

No environmental impact is expected from the above inactive/active LUST site(s). 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.

### **Site Investigation and Restoration**

Several sites were found within a 1-mile radius of the proposed project:

- a. Reevis and Reevis Clay Pit: This site was a clay pit that was used for several years as a common dump by area residents. The site was filled in by a now defunct construction company. Following a complaint that a pipe from the clay pit

was discharging into a local stream, DNREC conducted a Preliminary Assessment (PA) in 1984, and no such pipe was located. In 1996, DNREC conducted a site visit and found that the clay pit is now located in a residential front yard as well as a paved secondary road.

- b. Southwood Farms: This site was formerly a mushrooms canning facility that is no longer in operation. The site was referred to Site Investigation and Restoration Branch (SIRB) by the Tank Management Branch (TMB) because sampling detected some elevated values of contaminants. The current owners are aware of groundwater contamination and are trying to get into the Voluntary Cleanup Program (VCP).
- c. Hockessin GW: This project is in the preliminary phase, and its goal is to examine area dry cleaners and gas station/auto facilities to determine contributors to the known groundwater contamination within the area.
- d. Hockessin Valley Falls: This project came about because a homeowner was concerned about potential contamination in their yard. Some samples were taken and debris was found but no contamination, and the project was declared No Further Action (NFA).
- e. Basher Lane: This site is entering the Brownfields program.

**State Fire Marshal's Office – Contact: John Rossiter 323-5366**

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 Valley 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 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.

**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.

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

The PSC has verified that project is in a certificated area for Artesian Water Company, Inc.

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.

If not already completed, the County will need to notify the Commission of the areas to which it is providing wastewater services.

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

Some impact to public safety is foreseen by implementation of this project, due to the potential attendance at the Auction/Social Hall. The developer should notify the police, fire service, and emergency medical response organization serving this portion of New Castle County, to keep them apprised of all development activities.

The rear portion of this property is located in the Special Flood Hazard Area inundated by the 100-year flood.

It should also be noted that this office has received several phone calls from concerned citizens regarding this project. We have also received a formal petition to the rezoning that, we have been told, has been sent to the New Castle County, Dept. of Land Use for consideration when reviewing this project. This letter is to give State concerns and issues only; however, we would urge you and/or the property owner to review this petition and continue to meet with the local residents to try to alleviate their concerns regarding this project before it moves forward.

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

Constance C. Holland, AICP  
Director

CC: Kenneth Bieri, New Castle County