



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

October 15, 2004

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

RE: PLUS review – PLUS 2004-09-04; Lands of Lloyd Austin

Dear Mr. Braun:

Thank you for meeting with State agency planners on September 22, 2004 to discuss the proposed plans for the Lands of Lloyd Austin located on Silver Leaf lane. According to the information received, you are seeking a site plan review to construct an airplane hanger on 0.5051 acres.

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 represents a proposal to construct a private hanger at an existing airport located East of Route 1, outside the growth zone in Kent County. This project is located in Investment Level 4 according to the 2004 State Strategies for Policies and Spending. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. In addition, the project's location East of State Route 1 is of particular concern.

It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County. Tens of millions of dollars have been spent by the State and Federal governments and by private conservation organizations to protect and preserve the natural environment and sustain a vibrant agricultural area that occupies some of the best farmland in the State. State investments East of Route 1 will be made for these purposes. No investment in infrastructure which supports growth is expected.

The State recognizes that this is a very small project which may be pursued under existing County regulations. The private aircraft hanger appears to be consistent with the current use of the parcel and the airport in general. However, please be aware that this project is inconsistent with the broader State policy regarding new growth and development East of Route 1 and that no State investments are expected to support this project.

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

There is a potential historic property located to the south, across the field, from the subject parcel. It is suggested that the applicant retain as many trees as possible to provide visual buffers between the proposed hanger and the potential historic property; or if necessary provide additional landscaping that will provide a sufficient visual buffer. Please keep the potential historic property in mind when designing the rear runway/taxiway. Also, there is a medium probability for archaeological sites within the subject property.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Silver Leaf Lane is classified as a local road and has an existing right-of-way width of 50 feet. 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. Therefore DelDOT will require right-of-way dedication to provide the additional 5 feet from this project.

The Austins' engineer should submit their plan to the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, for their review. Mr. Herb may be reached at (302) 266-9080. If the County subsequently approves their conditional use application, they should have their engineer contact the Central District Public Works Engineer, Mr. Robert Greybill regarding DelDOT requirements for access. Mr. Greybill may be reached at (302) 760-2316.

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

Soils

According to the Kent County soil survey, Othello was mapped in the immediate vicinity of the proposed construction. Othello is a poorly-drained wetland associated (**hydric**) soil that has few limitations for development.

According to Statewide Wetland Mapping Project (SWMP) maps no wetlands were mapped on subject parcel. However, the presence of a hydric soil mapping unit (Othello) over the entire parcel contradicts the findings of the SWMP maps. Since soil mapping is often a more accurate predictor of wetland conditions than the SWMP mapping, it is a preferable indicator of likely site conditions. **Therefore, an Army Corps of Engineers (ACOE) approved wetlands delineation is highly recommended as a necessary means to ensure conformance with the Federal 404 Clean Water Act governing the regulation of jurisdictional wetlands.**

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.

Water Supply

The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the project is not located in an area where public water service is available. 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 wells.

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.

Water Resource Protection Areas

The entire site is located in a wellhead protection area for City of Dover Water (see map). Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of groundwater moving toward such wells may be adversely affected by land use activities. According to the State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the draft Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the language is currently draft and the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the excellent recharge area.

Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The Department recommends the following (ranked in order of preference):

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.

- 2) Limit impervious cover of new development to 20 % by right within WRPAs.
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

Wastewater

The applicant must have a site evaluation performed for the placement of a septic system and obtain a septic permit prior to the construction of a new system.

Stormwater Management

If the total land disturbance exceeds 5,000 square feet for this project, a sediment and stormwater plan will be required. Contact Jared Adkins at Kent Conservation District at (302) 741-2600, ext. 3, for plan submittal and review requirements.

Drainage

The Drainage Section is aware that this proposed project is within the South Muddy Branch Tax Ditch. The Drainage Section does not have a clear understanding where this project's on site storm water will be released off site. 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.

State Fire Marshal's Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office.

Before going any further with the project it is suggested that you have a consultation meeting with someone from the DE State Fire Marshal's Office, Kent County.

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
- Group III Hangars shall have setbacks of 50 feet or 75 feet depending on the construction type of the building. See NFPA 409 for all the requirements of a Group III Hangar. Group III Hangars by definition can only be used to store aircraft.

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 Silver Leaf Lane 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)
- 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.

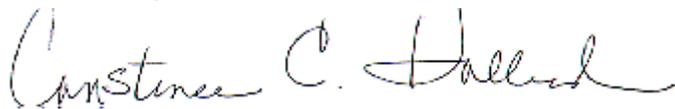
Public Service Commission - Contact: Andrea Maucher 739-4247

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 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,



Constance C. Holland, AICP
Director

CC: Kent County