



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

December 17, 2004

Mr. Stephen Soule'
Soule' & Associates, P.C.
122 Arlington Road
Salisbury, MD 21801

RE: PLUS review – PLUS 2004-11-09; Savannah Square

Dear Mr. Soule':

Thank you for meeting with State agency planners on December 1, 2004 to discuss the proposed plans for the Savannah Square project to be located on Route 113 north of Route 26 within the Town of Dagsboro.

According to the information received, you are seeking site plan approval for 50,250 square foot of commercial space on 7 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 The Town of Dagsboro 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 Coordination notes that this project is within an Investment Level 2 area according to the 2004 Strategies for State Policies and Spending and within the Town of Dagsboro. In Investment Level 2 areas, State policies support orderly, well planned development that is consistent in character with the surrounding area. We are pleased to see this proposal located within the Town of Dagsboro.

We encourage the developer to revisit the design of the proposal, using the concepts presented in our recent publication *Better Models for Development in Delaware*. This publication also includes some examples of how the architectural styles of shopping centers can blend into the surrounding community. We also encourage the developer to work with the developer of the adjacent General's Green proposal to master plan the area and provide bicycle and pedestrian connections, and consider vehicular connections, between the two proposals.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DeIDOT's US 113 North-South Study is presently evaluating alternative alignments for a limited access highway between Milford and the Maryland line at Selbyville. In the Dagsboro area, there are multiple alignments under consideration. While none of them would run through Savannah Square, the alternative of improving the existing alignment would place Savannah Square on a two-way service road located where the existing northbound lanes are presently located. Presently they are still gathering input from the public. DeIDOT anticipates making a determination on the alternatives to be retained for detailed analysis in the spring of 2005. For more information on the US 113 North-South Study, the developer or the Town may contact Mr. Monroe Hite at (302) 760-2120.
- 2) DeIDOT commented in August 2002 on a proposal from this developer for these parcels. While they do not have a copy of the sketch plan that they commented on then, it appears that the plan now presented generally complies with their 2002 comments. The letter mentioned the need for a 50-foot cross access easement along the development's Route 113 frontage. While the site plan provided with the PLUS form appears to leave space for such an easement, the easement is not shown or noted. That may be because the plan is a stormwater management plan. The easement should be added to the record plan if it is not there.
- 3) The General's Green residential development was also reviewed at this meeting. That project is proposed for an assemblage of parcels that have frontage on Route 26 and are separated from northbound US Route 113 by the subject lands. A bicycle and pedestrian connection to General's Green should be provided. A vehicular connection from General's Green to Route 113 would remove some traffic from Clayton Street and appears to be desirable from our perspective. To work well, however, a vehicular connection should be planned as an integral part of both the General's Green and Savannah Square developments and evaluated as part of the General's Green traffic impact study. If the developer of this project is interested in such a connection, DeIDOT recommends that they contact the developer of General's Green as soon as possible.

- 4) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their specific requirements for the design of the site entrance. Mr. Fiori may be reached at (302) 760-2260.

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

General Comment

There are numerous advantages and benefits to addressing issues like water and wastewater, stormwater management, open space and habitat, and recreation on a regional level. Interconnectivity is another issue that could be addressed regionally. The developer is encouraged to provide walkways and streets between this parcel and the proposed General's Green.

Soils

According to the recent soil survey update, the soils in the vicinity of the proposed construction are mapped as Berryland (137) and Hurlock (237) soils.

The following is a summary of mapped soils found within the proposed construction area and are grouped on the basis of drainage class:

Very poorly drained (**hydric**) – Askecky (137)
Poorly drained (hydric) -- Hurlock (237)

The soils found on this site also contain mostly sandy surface and subsurface horizons. Sandy soils have rapid permeabilities and little or no phosphorus/nitrogen adsorption capacity, compared to finer-texture soils. Therefore, such soils are conducive to nutrient leaching via groundwater or surface runoff into receiving tributaries of the watershed; these impacts are intensified in those soils containing shallow water tables such as Berryland and Hurlock soils.

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 nutrient budget should be prepared. 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. He can be reached as 302-739-4590.

The use of pervious pavers in the construction of the parking area would reduce nutrients associated with run-off from the site.

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.

Sediment and Erosion Control/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 Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details regarding the CCR requirement.

A request for a waiver from stormwater quantity management requirements must be submitted to the Conservation District in writing.

The District recommends considering using the locations of the parking islands as bioretention facilities.

Contact DNREC Drainage Section to determine if the stormwater outfall will be into a tax ditch. Discharge into a tax ditch will require Drainage Section approval for both the construction of the outfall and for the discharge from this site. A downstream analysis of the tax ditch may be necessary to demonstrate the ditch's capacity to convey the runoff from this development.

The storm water management facility may require a permit from the State of Delaware. Contact the Wetlands and Subaqueous Lands Section at 302.739.4691 for a jurisdictional determination.

Drainage

See attached map with regard to tax ditch easements. This project will need to be reviewed with Brooks Cahall (302-856-5488) for discharge methods to the tax ditch. Easements are 25 feet from top bank of the ditch.

Open Space

The proposed site plan includes a large percentage of open space toward the front of the project. Traditional maintenance of open space in the form of turf grass can be expensive and labor intensive. In areas set aside for open space, the developer is encouraged to consider establishment of forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration for maintenance of such a facility.

Revegetation/Landscaping

It is requested that no invasive species be used in the revegetation of disturbed or landscaped 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. DNREC encourages, where possible/feasible, the use of native plants for habitat restoration projects on-site and their Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Nuisance Species

The large pond within the project plan will likely attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. A short manicured lawn around the pond provides an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the pond, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose

control services, and if problems arise, property owners or managers will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There are two active and three inactive LUST site(s) located near the proposed project:

Joseph A. Collock, Facility # 5-000837, Project # S9612214
Dagsboro Getty, Facility # 5-000324, Project # S9108178
Southern States Dagsboro, Facility # 5-000735, Project # S9308154
Wells Country Store, Facility # 5-000489, Project # S9101019
Fry's Car Care Center, Facility # 5-000297, Project # S 9104077

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.

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 diverse landscape plan with use of native trees and the right tree for the right place should be considered.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state water will be provided to the project by the Town of Dagsboro via a central water system. PSC records indicate that the project is located within the public water service area granted to the Town of Dagsboro under Certificate of Public Convenience and Necessity 02-CPCN-13.

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.

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

While no significant impacts to public safety are foreseen by implementation of this project, the developer should make the police, fire service, and emergency medical response organizations serving the Town of Dagsboro aware of this project.

Sussex County – Contact: Richard Kautz 855-7878

ADA Guidelines require that handicapped parking spaces should be located the "shortest accessible route of travel from adjacent parking to accessible entrance." Therefore, the designated spaces need to be relocated, including reserving some space for the undesignated outparcels to the front of the property.

The Sussex County Engineer Department comments: This proposed commercial project is within the boundary of the Dagsboro-Frankford Sanitary Sewer District. The project will receive service through the 8-inch stub from manhole 46 located in the easterly ROW of State of Delaware Route 113. There is sewer capacity for the project as proposed. System Connection Charges will be due prior to connection to the sanitary sewer system. Sussex County must be provided with a concept plan for the project to ensure proper alignment for the proposed units as well as the proper alignment of the proposed water lines.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

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: Town of Dagsboro
Sussex County

