



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 16, 2005

Mr. Gregory V. Moore
Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – PLUS 2005-02-11; Stover Homes, Inc.

Dear Mr. Moore:

Thank you for meeting with State agency planners on March 2, 2005 to discuss the proposed plans for the Stover Homes project to be located in the Central Delaware Business Park in Cheswold. According to the information received, you are seeking approval for a warehouse, office, and helipad on this site.

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

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- The project is located in an Investment Level 2 area, where the State expects and supports growth and development in the near-term future. However, the Town has indicated that this use is not compatible with the goals of their Comprehensive Plan or their pending land development ordinance. This project must be developed in compliance with all relevant local codes and ordinances.

Street Design and Transportation

- The original entrance approval for the Central Delaware Business Park was only valid for “Phase 1”, which consisted of the first four lots. **No further development should occur in this business park until the entrance permit has been revisited, which will involve reevaluation of the entrances on both Routes 13 and 42.** DelDOT is requesting that the Town of Cheswold withhold all certificates of occupancy in the park (including for this project) until the entrance permit issues are addressed by the park owners.
- The developer will need to contact the Federal Aviation Administration and complete a form regarding airspace.
- Because of their proximity to the Delaware Airpark, it is recommended that they contact the Delaware River and Bay Authority, which manages that airport, to inform them
- It is recommended, that the proposed entrance be relocated from Twin Oaks Drive to Rye Oak Court

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. This site is also located in the Town of Cheswold. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. At the PLUS meeting the Town of Cheswold offered testimony that the proposed helipad use was not consistent with the goals of Cheswold’s Comprehensive Plan or their pending land development ordinance. The ultimate determination of compatibility with local land use regulations is the responsibility of the local government. Our office would like to note that this project must be developed in accordance with all relevant local codes and ordinances.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

No historic properties are known within this parcel. There is a low to medium probability of prehistoric-period archaeological sites here, and only a low probability for historic-period archaeological sites. Views from the historic properties nearby along Main St. are blocked by the modern housing development between them. Views from the area in Cheswold that is eligible for the National Register of Historic Places as an historic district are blocked by trees and some existing industrial development. The proposal to include a helipad here will however increase the noise for these nearby properties.

This project will have an indirect adverse effect on Cheswold's eligible historic district. If the project proceeds, the SHPO would be happy to discuss ways to reduce the noise effects. They would also be happy to visit the site to see if any archaeological resources might be within the parcel

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Our understanding is that the proposed helipad would be a private facility. Accordingly, there is no need for the developer to coordinate with DelDOT regarding it. However, the developer will need to contact the Federal Aviation Administration and complete a form regarding airspace. Also, because of their proximity to the Delaware Airpark, it is recommended that they contact the Delaware River and Bay Authority, which manages that airport, to inform them of their plans. For further guidance in these regards, the developer may contact Mr. Michael Kirkpatrick of our Statewide & Regional Planning Section. He may be reached at (302) 760-2153.
- 2) It is recommended, for two reasons, that the proposed entrance be relocated from Twin Oaks Drive to Rye Oak Court. First, the proposed entrance is quite close to Rye Oak Court, such that it might not be clear to other drivers where a turning vehicle would be turning. Second, relative to Twin Oaks Drive, Rye Oak Court is the minor street. All other things being equal, where a parcel has frontage on two streets, it is better for traffic flow to place the access on the minor street. Very preliminarily, the best way to do this might be to rotate the footprint of the proposed development 90 degrees clockwise.
- 3) As indicated in the enclosed 1994 letter to the park owner's engineer, the entrances to the Central Delaware Business Park were approved for a first phase of four lots. Those lots have now been developed. Accordingly, the design of the park entrances on US Route 13 and Delaware Route 42 should be revisited, and if necessary the entrances should be improved, before any further development occurs. Because the streets are now under Town jurisdiction, DelDOT requests the Town's assistance in enforcing this requirement. While it is the Town's decision as to whether they will assist us and how they might do so, DelDOT suggests that they withhold certificates of occupancy on all further development

in the park, including the Stover Homes parcel, until the park entrances have addressed.

The park owner's engineer should contact our project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding our specific requirements for access. Mr. Herb may be reached at (302) 266-9080.

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

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.

Potential Contamination Sources do exist in part of this area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. *In this case, there is a Hazardous Waste Generator site called Delaware Timber Trust located about 550' away from this project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Sediment and Erosion Control/Stormwater Management

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

Comments:

1. A regional stormwater facility for the Central Delaware Business Park provides stormwater management for this parcel. Therefore a stormwater management plan is not required, however an Erosion and Sediment Plan is required
2. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Wetland Buffer

The applicant indicated that standard erosion and sediment control measures would be taken. If wetlands are found on this parcel following a wetland delineation, a 100-foot buffer should be left intact to protect downstream water quality. This buffer will serve to reduce the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

Drainage

The Drainage Section is not aware of any current drainage problem associated with this project.

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.

Rare/Threatened/Endangered Species

DNREC has never surveyed this parcel, so their database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities on the project parcel. There is an area of floodplain forest described as 'rich woods' along Alston Branch downstream from this parcel. At least 12 rare species occur there and efforts to protect water quality are especially important.

Nuisance Waterfowl

The applicant indicated that an off-site stormwater management pond would be utilized. If this is not feasible, consideration for nuisance geese should be taken when designing a pond of this type, especially considering the proposed use of aircraft. To deter geese, a buffer area containing tall grasses, wildflowers, shrubs, and trees around the perimeter of the pond will deter 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, the landowner/manager will have to accept the burden of dealing with these species.

Site Investigation and Restoration

There are 2 SIRB sites located within a 1/2 mile of the proposed project: DE-1047, Pee Wees Truck Stop, and DE-0063, Chem-Solv, Inc. DE-1047 was investigated in 1995 when an interested purchaser was concerned about any potential impacts from DE-0063. SIRB conducted a Facility Evaluation/Remedial Investigation in 1995, and based on the findings, SIRB determined that no further action was necessary, and a Certificate of Completion of Remedy was issued in 1996. DE-0063 is a 1 and 1/2 acre solvent distillation facility that began operation in 1982. In 1984, an explosion and fire destroyed the facility. After the fire, the State conducted studies of the upper Columbia aquifer and found high levels of VOCs in the upper zone of the aquifer. EPA placed the site on the National Priorities List in 1990 due to the levels of TCE and benzene found in the groundwater. Manganese was also present at high levels. The selected remedy for the site was for groundwater extraction and discharge either to a local treatment facility or for onsite treatment and discharge to local surface water. The remedy is still ongoing as is monitoring. Due to the known contamination in the groundwater, SIRB recommends that if wells are to be installed, they are installed to the deeper confined aquifer.

Underground Storage Tanks

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

Cheswold Land, Inc., Facility # 1-000317, Project # K9611185

Roy's Electric, Facility # 1-000231, Project # K9510233

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: 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. 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
- Group III hangar will have separation issues between hangar and storage, office space. NFPA 409 will give details for the required separations. 75' or 50' setbacks to property lines are required, depending on the construction classification.

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 Twin Oaks Drive 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.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

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

The Delaware Department of Agriculture and the Delaware Forest Service has no objections to this site at this time; however, they encourage the developer to work with the community of Cheswold to work to the objectives defined within their comprehensive land use plan.

Right Tree for the Right Place

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations.

This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1190.

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 State Housing Authority – Contact Karen Horton 739-4263

No comments

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

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

Delaware Economic Development Office - Contact: Dorrie Moore 739-4811

The Delaware Economic Development Office supports this project as the site is in the Central Delaware Industrial Park.

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.

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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: Town of Cheswold
Stover Homes, Inc.