



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 16, 2004

Ms. Virginia DeRolf
Nextel Communications of Mid-Atlantic, Inc.
3329 Street Road
Bensalem, PA 19020

RE: PLUS review – PLUS 2005-02-12; Nextel Tower – Big Oak Road

Dear Ms. DeRolf:

Thank you for meeting with State agency planners on March 2, 2005 to discuss the proposed plans for the Nextel Tower to be located on Big Oak Road.

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.

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.***

- The State Strategies allows for essential public services and facilities in Investment Level 4 areas. This project is an acceptable use in a rural area, but we note that it must comply with all local ordinances.
- This project is located on a permanently preserved farm and final citing will require approval from the Delaware Agricultural Lands Preservation Foundation (DALPF).

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

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

This project represents a proposal to construct a telecommunications tower 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.

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 State Strategies for Policies and Spending do make allowances for projects relating to essential services, public utilities, and community infrastructure to be located in Investment Level 4. In addition, leasing land for uses such as this tower may provide farmers with additional income generating economic uses in areas where suburban development is discouraged by State policies. It is hoped that the farmer will use this income in support of the continued agricultural use of this property. For these reasons our office has no objections to this application, and note that the tower must comply with all County ordinances and requirements.

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

This project has been reviewed under the section 106 requirements of the National Historic Preservation Act. This project will not have an adverse effect on the George Farmhouse.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The developer's engineer should contact the DelDOT Central District Public Works Engineer, Mr. Robert Greybill, regarding their 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**

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands along the western perimeter of the parcel.

Although impacts are not anticipated, a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be still be conducted to ensure against unanticipated impacts. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Site plans indicate that a road crossing will run through the stream on site. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the Subaqueous Land Section from DNREC Division of Water Resources and the Army Corps of Engineers.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Water Supply

The project information sheets state that there will be no potable water used. Records indicate that the project is not located in an area where public water service is available. However, 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.

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. If the total limit of disturbance is less than 5,000 square feet the project is exempt from the Delaware Sediment & Stormwater Regulations. If the project limits of disturbance are greater than 5,000 square feet, this project would be eligible for a General Sediment & Stormwater Management Permit.
2. A letter of no objection to recordation will be provided once the Sediment and Stormwater Management plan has been approved.

Drainage

The Drainage Section is not aware of existing drainage concerns 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.

Floodplains

Portions of the site are within the 100-year floodplain. Kent County prohibits the subdivision of land within the 100-year floodplain.

Impacts to Migratory Birds

Consideration for impacts to migratory birds should be incorporated into the engineering of this project. Tall lighted structures pose a hazard to birds which risk collision with the tower or are attracted to the lights and can become disoriented and reluctant to leave the lighted area, flying around until exhausted. Although the current plan is for a tower less than 150', lightning rods and future collocation of other services could increase the height of this tower. It was indicated that currently there are no lights planned for the tower. Because plans can change and the type of lighting is especially important for avoiding impacts to birds, the applicant was provided with USFWS tower siting guidelines. Additional information about this issue can be obtained at the following web site: <http://migratorybirds.fws.gov/issues/towers/towers.htm>.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Raymond Stachecki, Facility # 1-000548, Project # K9112283

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:**
 - 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

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 Big Oak 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.
- 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)
- 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

As the applicant has been informed, this project is located on a permanently preserved farm and final siting will require approval from the Delaware Agricultural Lands Preservation Foundation (DALPF). The applicant has already contacted this office and is on the Foundation's April meeting agenda.

Right Tree for the Right Place

The Delaware Department of Agriculture 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

No comments

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. This area could, however, experience possible flooding from a category 3 or greater hurricane.

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

The Delaware Economic Development Office supports this activity at this location.

PLUS 2005-02-12

March 16, 2005

Page 8 of 8

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