



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

March 16, 2005

Mr. Garth E. Jones, P.E.
Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – PLUS 2005-02-14; Chorman's Airport

Dear Mr. Jones:

Thank you for meeting with State agency planners on March 2, 2005 to discuss the proposed plans for the Chorman's Airport project to be located on Nine Foot Road. According to the information received, you are seeking site plan approval to add hanger space for 106 airplanes in 12 buildings to be added to the existing airport. A taxiway in a 60-foot wide cross access easement would connect the proposed hangars to the existing complex of buildings.

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.***

State Strategies/Project Location

- This proposal is for the expansion of a crop dusting business into an airport providing hangars for lease to private pilots. This use is consistent with the State Strategies, provided that there is no further commercialization of the airport to include commuter air travel or other more intense commercial or industrial development at the site. This project must be developed in accordance with all relevant local codes and ordinances.

Taxiway / Easement

- This project includes a proposed taxi way located in an easement across a farm preserved through the agricultural preservation program. While this is an unusual arrangement, it is acceptable under the terms of the agricultural easement agreement.

Natural and Cultural Resources

- 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 still be conducted to ensure against unanticipated impacts
- It is recommended that the developer maintain a minimum 100-foot buffer width from the landward edge of all wetlands and waterbodies
- 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 ditch that runs between the project site and lands of Gallo is a prong of the Tomahawk Tax Ditch. The tax ditch has a 45 foot maintenance right of way and a 250 foot construction right of way associated with it that must be shown on the plan.
- The Drainage Section recommends the enhancement of vegetated buffers along any existing or created drainage conveyance.

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

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

This site is located in Investment Level 4 according to the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. This site is located outside of the Kent County Growth Zone, and is located in the midst of numerous agricultural preservation districts. 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.

This development application involves the expansion of an existing airport facility from a crop dusting business to a public airport. We understand that this expansion will use the existing runways and offer hangars and fueling facilities to private pilots. The context of the airport in an agricultural area is appropriate given the crop dusting business, and the low probability of encroachment from residential and other development. This use is consistent with the State Strategies, provided that there is no further commercialization of the airport to include commuter air travel or other more intense commercial or industrial development at the site. This project must be developed in accordance with all relevant local codes and ordinances.

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

Nothing is known on this parcel. There are a number of historic properties in the area. There are some high- and medium-probability areas for prehistoric-period archaeological sites here. There is only a low probability of historic-period archaeological sites here.

The current site plan avoids most of the high-probability areas for prehistoric archaeological resources. The area along the tax ditch, however, should be buffered from ground disturbance, and the storm water retention pond should be moved out of this area. Since only 8 of the proposed hangars will be built initially, and the remaining hangars built only as need requires, it does not appear that the additional small aircraft noise will greatly change the noise level already generated by the existing agricultural spraying business operated here.

The SHPO would be happy to work with the owners to delineate any archaeological resources that may be in the project area.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT is aware that the airport is located in a Level 4 Investment Area with respect to the Strategies for State Policies and Spending. Because this is a general aviation airport, rather than a commercial airport, they are not opposed to its expansion. General aviation facilities, by definition, do not provide passenger service to the public. Consequently, they typically do not attract related development. Also, because they serve smaller planes, which have fewer safety features and whose pilots are less regulated, it is appropriate for them to be located away from other development. For these reasons, they are not opposed to the subject development.

- 1) DelDOT is responsible for the review of proposed developments with regard to airport runway clear zones. As depicted on the plan accompanying the PLUS form, the proposed development would not be affected in this regard. If the plan

changes, the developer should contact Mr. Michael Kirkpatrick of the DelDOT Statewide & Regional Planning Section. He may be reached at (302) 760-2153.

- 2) The developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding their requirements for access to South Main Street. Mr. Herb may be reached at (302) 266-9080.

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

Soils

According to the soil survey update, Woodstown, Fallsington and Pocomoke were mapped in the immediate vicinity of the proposed construction. Woodstown is moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Pocomoke is a very poorly-drained wetland associated soil that has very severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands in the western portion of this site.

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 still be conducted to ensure against unanticipated impacts. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Tomahawk Branch may be regulated by the State of Delaware. Crossing the stream may require a permit. 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.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by

the Army Corps of Engineers (ACOE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

It is recommended that the developer maintain a minimum 100-foot buffer width from the landward edge of all wetlands and waterbodies. In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters of the Chesapeake Bay Watershed; 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 Chesapeake Bay Watershed, reduction of nitrogen and phosphorus loading will be obligatory. 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. In the Chesapeake Watershed, "target-rate-reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

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 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."

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 (739-4590) in the Department's

Watershed Assessment Section for further information regarding the acceptable protocol for performing this calculation.

Since the TMDL for the Chesapeake Bays mandates reducing nutrient loading to waters of the Inland Bays significant nitrogen and phosphorus loading must be realized from all sources, including onsite/community wastewater systems. The Department has developed performance standards based on research by Departmental staff and Dr. Mike Hoover (North Carolina State University) for on-site wastewater treatment and disposal systems. Due to the size of a development's system, the performance standard dictates that the effluent concentration levels can not exceed average annual nitrogen and phosphorus concentration levels of 5 and 2 mg/l, respectively. The phosphorus standard only applies when applicable.

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.

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.

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.
3. Ease of maintenance must be considered as a site design component. Access to the proposed stormwater facilities must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter. Maintenance set aside areas for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. The ditch that runs between the project site and lands of Gallo is a prong of the Tomahawk Tax Ditch. The tax ditch has a 45 foot maintenance right of way and a 250 foot construction right of way associated with it that must be shown on the plan. No improvements may be made within the right of way without approval of the

Tomahawk Tax Ditch Association.

2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
3. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
6. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

This project is within the Tomahawk Tax Ditch. There is a 45-foot maintenance tax ditch right-of-way on this property along the proposed area of construction. The right-of-way is measured from top of bank. Any alteration of the tax ditch or right-of way infringement will need prior approval from the Tomahawk Tax Ditch. Alterations to the tax ditch or additional tax ditch crossings may also require approval from the Wetlands and Subaqueous Lands Section of Water Resources at DNREC, and the U.S. Army Corps of Engineers.

The Drainage Section recommends the enhancement of vegetated buffers along any existing or created drainage conveyance. These buffers should be planted and maintained to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the buffers should be native species, spaced to allow for mechanized drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of a ditch to avoid future blockages from roots. The Drainage Section requests the landowner consult with the Tomahawk Tax Ditch before planting trees on any tax ditch right-of-way.

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.

Nuisance Waterfowl

The applicant indicated that a 'dry' pond would be utilized for stormwater management. If a wet pond becomes necessary, it should be landscaped with an adequate buffer of tall vegetation, wildflowers, shrubs and trees to deter geese which do not feel safe from predators when their view of the area is blocked. This is especially important considering the hazard posed by bird strikes to aircraft. In addition, 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.

Underground Storage Tanks

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

Chorman's Airport, Facility # 5-000020, Project # S9112293

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.

At the PLUS meeting, there was some discussion about a future fueling station. It is recommended that you contact the Tank Management Branch at (302) 395-2500 regarding above ground/underground storage tank regulations.

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

- 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
- **NFPA 409 requires setbacks to property lines and other structures on the same property depending on construction classification.**
- **NFPA 30-A requires setbacks to property lines and other structures for the proposed fuel depot. A more desirable location may be on the west side of the hangars.**

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 Nine Foot 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

This site is located adjacent to a permanently preserved agricultural preservation district and shares a “right-of-way” easement with the district owner. The DALPF is aware of the easement and agrees that this applicant is in compliance with the Foundation’s criteria to move forward with the project. DDA encourages the applicant to move the location of the fuel tank to the western side of the developed portion of the property. If there are any future problems with the tank, then the adjacent property owner will be less affected. In addition is the event of a release, the surface water system is more protected if the tank is located to the west.

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

The project is not in a certificated area. If water services are requested from a private utility, that utility will need to apply to the Commission for a Certificate of Public Convenience and Necessity.

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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 comment

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 has no issue or concern over the planned development of this site.

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,



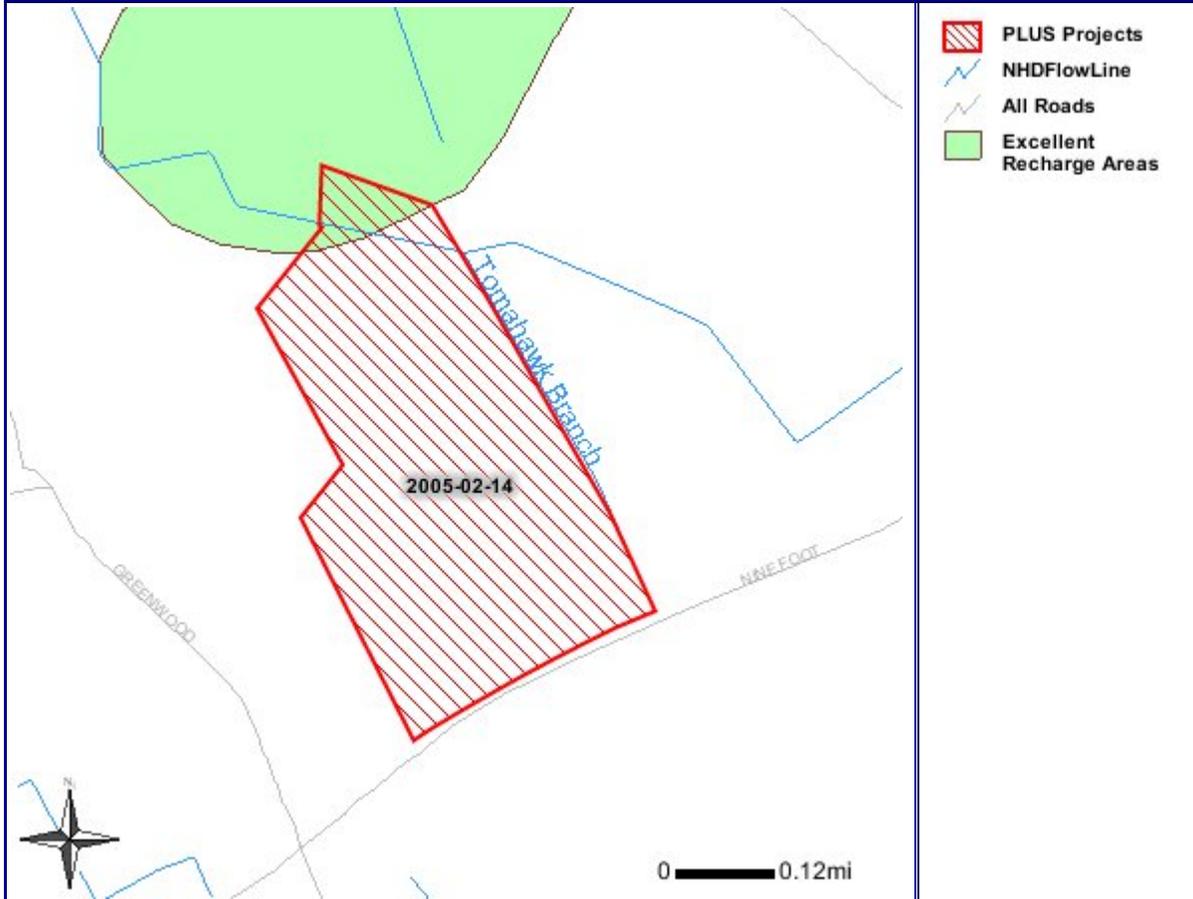
Constance C. Holland, AICP
Director

CC: Kent County
Allen Chorman & Son, Inc.



Chorman's Airport

2005-02-14



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

