



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

April 27, 2005

Donato Polisenio
142 Bryants Corner Road
Hartly, DE 19953

RE: PLUS review – PLUS 2005-03-08; Donato Polisenio

Dear Mr. Polisenio

Thank you for meeting with State agency planners on April 6, 2005 to discuss the proposed plans for the property located at 1732 Forest Avenue in Dover.

According to the information received, you are seeking rezoning of 1.6 acres from AC to OC for a 5,000 sq. ft medical-dental office building. This PLUS review only considered the issue of the rezoning. No site plans for the office building were submitted or reviewed.

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.

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 3 according to the Strategies for State Policies and Spending. This site is also located outside of the Kent County Growth Zone. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future.

The location of this rezoning application outside of Kent County's growth zone causes some concern. The County will have to evaluate whether or not this is the appropriate location for office use, considering the comments from State agencies found in this letter.

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

The State Historic Preservation Office does not have anything recorded on this property or nearby, and there is only a low potential for archaeological sites of any period here. The owner informed them at the meeting that the house on the parcel was built in about 1935. It is requested that the owner give SHPO an opportunity to photograph and record the building on our forms before it is demolished.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) The subject parcel is surrounded by farmland, some of which is permanently preserved as such. DelDOT would like to know the rationale for office zoning on a small parcel in that context.
- 2) Presently the section of Route 8 where the subject parcel is located operates at level of service D during peak hours. Because DelDOT considers that level of service to be acceptable and because the potential trip generation of a 1.6-acre OC development is relatively small, they do not anticipate requiring a traffic impact study.
- 3) If the rezoning is approved, 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 Route 8. 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 Kent County soil survey, Sassafras was mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that has few limitations for development.

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 St. Jones 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. **The applicant should keep in mind that their project may be subject to future regulatory nutrient load reductions under TMDLs, which may significantly impact the project’s current scale and design.**

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. In this case, a minimum isolation distance of 150 ft. is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. 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

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 Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

It is strongly recommended that you contact Kent Conservation District to schedule a preapplication 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 Sediment and Stormwater 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) may be required for the site during construction. You should contact Kent Conservation District for details regarding the CCR requirement.

Public Service Commission - Contact: Andrea Maucher 739-4247

This project is not in a certificated area. If water is requested from a private utility, that utility will need to apply to the Commission for a Certificate of Public Convenience And Necessity (CPCN).

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.

If the project connects to public wastewater services from the City or County, and the project lies outside of their respective service territory established in October 2004, then the City or County must update the information it filed with the Commission. .

Delaware Economic Development Office – Contact: Dorrie Moore 739-4271

DEDO supports the rezoning of the 1.6 acres on Route 8 from AC to OC.

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: Kent County