



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 29, 2005

Mr. Randall L. Anthony
184 Luther Marvel Drive
Wyoming, DE 19934

RE: PLUS Review 2005-05-01, Anthony Property

Dear Mr. Anthony,

Thank you for meeting with State agency planners on June 8, 2004 to discuss the rezoning of your 1.58 acre property located on Milford-Harrington Highway near Harrington in Kent County. According to the information received, you are seeking a rezoning from AC to BG for office use.

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. You will need to comply with any Federal, State and local regulations regarding this property. Kent County is the governing authority over this land and you will need to comply with any and all regulations/restrictions set forth by the County.

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

The rezoning of this property is at the discretion of Kent County Levy Court. Should the Levy Court ultimately choose to grant this rezoning request, a comprehensive plan amendment will be required. The site is located in Investment Level 2 according to the *Strategies for State Policies and Spending*, and in the Kent County Growth Zone. 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. Our office has no objections to the proposed rezoning of this project in accordance with the relevant County codes and ordinances.

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

SHPO has no objection to this rezoning. There are no known historic properties on the site. There are historic houses adjacent or near the parcel on the same side of Milford-

Harrington Highway. Beers Atlas of 1868 shows the C. Morris House in the general area, and there may be archaeological remains associated with this house. There is an area of medium potential for prehistoric-period archaeological sites near the front of the parcel. If Mr. Anthony develops the property for business use, SHPO would appreciate the opportunity to inspect it for archaeological sites and to learn something about their character prior to construction.

Department of Transportation - Contact Bill Brockenbrough 760-2109

Randall L. Anthony seeks to develop an office building of unspecified size on an approximately 1.58-acre parcel (Tax Parcel MN-00-180.00-01-07.00-000). The site is located on the south side of Delaware Route 14 between that road and the City of Harrington's wastewater treatment plant, and more generally near the east edge of the City. The land is zoned AR in Kent County and would need to be rezoned to BG to permit the proposed development. The proposed rezoning is in conflict with the Kent County Comprehensive Plan. DelDOT comments pertain to the development of the site, rather than specifically to the rezoning.

- 1) Route 14 is classified as a collector road. Right-of-way widths on collector roads in Delaware vary but DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline. Therefore we will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) A paved multi-modal path, located in a 15-foot wide permanent easement, is required across the frontage of the site.
- 3) The response to Item 30 on the PLUS application states that the existing roadside ditch would be the outfall for the site's storm water. That may be acceptable but DelDOT will require calculations showing that the rate and volume of post-development runoff will not exceed those of the pre-development runoff. The storm water will need to be managed on the site to meet those requirements.
- 4) The response to Item 37 on the PLUS application states that the existing entrance on Route 14 would be used for access. DelDOT requires that entrances be designed to accommodate the traffic that they are expected to handle. While it may be that the existing entrance can be used for the proposed building, generally a residential entrance is inadequate for an office use. If the proposed rezoning is approved, the developer's site engineer should contact the project manager for Kent County, Mr. Brad Herb, regarding specific requirements for access and drainage. Mr. Herb may be reached at (302) 266-9600.

Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Soils

According to the Kent County soil survey Evesboro and Klej were mapped in the immediate vicinity of the proposed construction. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Klej is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

TMDLs

Adoption of Total Maximum Daily Loads (TMDLs) as a nutrient-runoff-mitigation strategy for the Inland Bays Watershed makes reduction of nitrogen and phosphorus loading 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 these desired use goals. The jurisdictional authority for these use goals falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

Nutrient reductions are assigned on the basis of water quality concerns. Regions of greatest environmental concern will require higher levels of nutrient reduction than those deemed less environmentally sensitive. In the Murderkill subwatershed, the primary source of water quality impairment is associated with nutrient runoff from agricultural and/or residential development. In order to mitigate the aforementioned impairments, a TMDL reduction level of 40 percent will be required for both nitrogen and phosphorus.

Stormwater management and/or wastewater treatment areas are inappropriate and inaccurate metrics for open space calculations. The use of open space as proposed will underestimate TMDL nutrient loading rates. To verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones, Watershed Assessment Section, can be contacted at (302) 739-4590 for further information regarding the acceptable protocol for calculating a nutrient budget.

Water Supply

Well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the 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. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

Sediment and Erosion Control/Stormwater Management

Land disturbing activities in excess of 5,000 square feet are regulated under 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.

Drainage

The site is located within Jacksons Tax Ditch. The Drainage Section is aware of drainage problems with the site, which receives water from surrounding properties. Further investigation is needed to identify a suitable outlet for this property. All precautions should be taken to ensure construction does not hinder off-site drainage upstream or create off-site drainage problems downstream by the release of on-site storm water.

Underground Storage Tanks

There are two inactive and one active LUST sites located near the proposed project listed below. No environmental impact is expected from these tanks. Should underground storage tanks or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. While changes to construction specifications are not expected as a result of unanticipated petroleum contamination, PVC pipe would need to be replaced by ductile steel in all contaminated areas.

Del-Dot Harrington, Facility # 1-000585, Project # K9911246

Harrington Mobil, Facility # 1-000376, Project # K9412273

Harrington Super Soda, Facility # 1-000106, Project #K0009122

State Fire Marshal's Office - Contact Duane Fox 739-3696

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):

1) Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for 1-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 (business/educational/assembly/healthcare/multifamily) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

2) 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
- 3) 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 duPont Hwy 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.
- 4) Gas Piping and System Information:
- Provide type of fuel proposed, and show locations of bulk containers on plan.
- 5) 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 www.delawarestatefiremarshal.com.

Department of Agriculture - Contact Mark Davis 739-4811

Right Tree for the Right Place

The Department encourages the developer to use the “Right Tree for the Right Place” concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

Native Landscapes

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

Tree Preservation

The Department encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and provide increase value to the site.

Tree Mitigation

It is acknowledged that tree removal will be necessary. The Forest Service tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

Public Service Commission - Contact Andrea Maucher 739-4247

The site 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). The City of Harrington could serve the project, however must apply to the Commission for a CPCN if it does not annex the property or offers services prior to annexation. Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

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.

PLUS 2005-05-01 Anthony Property

June 24, 2005

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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".

Constance C. Holland, AICP
Director

CC: Town of Harrington
Kent County