



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

June 20, 2005

Mr. Colmcille DeAscanis, P.E.  
Apex Engineering  
27 West Market Street  
Newport, De 19804

RE: PLUS review – PLUS 2005-05-12; Willow Grove Mill

Dear Ms. DeAscanis,

Thank you for meeting with State agency planners on June 1, 2005 to discuss the proposed plans for the Willow Grove Mill project located on 52 acres on the south side of Route 299 near the US 1 and Willow Grove Mill Drive intersection in Middletown.

According to the information received, you are seeking a site plan approval for the construction of a commercial complex in the Level 2 area. It should be noted that the original application received noted a zoning change from C-2 to C-3. However, according to follow-up information received by you on May 2, 2005 you stated that a rezoning would not be requested for this project and that the development was being planned under the existing C-2 zoning.

These comments reflect only issues that are the responsibility of the agencies represented at the PLUS review meeting. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. The developers must comply with any Federal, State and local regulations regarding this property. Specifically, the Town of Middletown is the governing authority over this land and the developers will need to comply with any and all regulations/restrictions set forth by the Town. This office has received the following comments from State agencies:

**Office of State Planning Coordination – Contact Herb Inden 739-3090**

The Office of State Planning Coordination notes that the proposal is located within the Investment Level 2 area according to the *Strategies for State Policies and Spending*. The

Town of Middletown's current comprehensive plan (2001) notes that development along SR 299 should be in character with an urban boulevard: "Properties should front the roadway and be integrated with a pedestrian and bike circulation pattern. Parking lots should be to the side or behind buildings fronting the roadway. The roadway should be tree lined in a manner consistent with Delaware Department of Transportation and Middletown standards". We want to emphasize our concurrence with these ideas and also encourage the developer to consult *Better Models for Development in Delaware* in designing this project.

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

The site has or had a National Register-listed property, the R.W. Cochran House (N-114), just outside of the parcel to the rear of the proposed commercial development. It is possible that the parcel contains part of the archaeological site associated with this house. There is a medium to high potential for a prehistoric archaeological site near the road. Two historic houses (N-5209 and N-5210) stand across the road from this development, and there will be an adverse visual effect on them. SHPO requests the opportunity to inspect the parcel. Given the scale of the development SHPO does not believe adverse visual effects can be adequately mitigated, but any landscaping that can be done to soften the impact would be appreciated.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

The applicant, Fusco Properties, L.P. seeks to develop a commercial complex consisting of five 8,000 square foot restaurants, a 160-room hotel, four office buildings totaling 100,000 square feet, a Wawa convenience store with gasoline pumps, and four unspecified retail commercial buildings totaling 143,520 square feet, on an approximately 52-acre parcel (Tax Parcel 23-025.00-083). The land is located on the south side of Delaware Route 299, extending from Willow Grove Mill Drive to Delaware Route 1 in the Town of Middletown. The land is zoned C-2 in the Town.

- 1) The developer had a traffic impact study (TIS) prepared for the subject lands, the associated residential development that was later divided into Longmeadow and Willow Grove Mill, and a separate tract of land east of Route 1, in 1994. Setting aside the lands east of Route 1, the TIS addressed a 200,000 square foot shopping center, an 18-hole golf course, 496 single-family detached houses, and 441 townhouses. As indicated in the table below, the residential development that has been approved since then is somewhat more than was contemplated in the TIS and the commercial development now proposed is considerably more than was contemplated therein. Perhaps more importantly, the 1994 TIS looked at a future year of 2010 in which it was assumed that US Route 301 would be completed as a limited access facility and would draw through traffic off of Route 299. Presently, DelDOT is preparing an Environmental Impact Statement for Route 301, but if a build alternative is selected and planning, design and construction all go smoothly, that road is not expected to be complete before 2011. Therefore, and

because the Middletown area has developed significantly since the 1994 TIS, DeIDOT will require a new TIS.

Development	Average Daily Traffic (vehicles per day)	
	Gross	Less Pass-by Trips
1994 TIS		
200,000 square foot shopping center	10,656	7,246
18-hole golf course	643	643
496 single-family detached houses	4,537	4,537
441 townhouses	2,266	2,266
Total		14,692
Recorded (partially built) residential		
Long Meadow		
243 single-family detached houses	2,353	2,353
Willow Grove Mill		
339 single-family detached houses	3,197	3,197
248 townhouses	1,389	1,389
276 apartments	1,809	1,809
Total		8,748
Proposed commercial		
40,000 square feet restaurant	5,086	2,899
160-room hotel	1,427	1,427
100,000 square feet office space	1,334	1,334
143,520 square feet shopping center	8,589	5,583
Wawa Convenience Store with Gasoline Pumps (estimate 5,000 square feet)	4,228	1,438
Total		12,681

With that said, it is recognized that Willow Grove Mill was planned and designed to accommodate significant commercial development. If the Town seeks to advance part of the proposed development before the TIS is completed DeIDOT is willing to work with them in that regard. However, the Town should phase the proposed development so that most of the commercial use would be contingent upon the completion of a TIS and the implementation of any necessary improvements identified by the TIS.

- 2) The concept plan shows one access point on Willow Grove Mill Drive, two on East Trupenny Turn, three on Gloucester Boulevard, and one on Route 299 (right turns only). All of these points are acceptable in concept. However, DeIDOT will require that the median that currently exists on Route 299 east of the site be extended west beyond Gloucester Drive and possibly to Willow Grove Mill

Drive, and will likely restrict access at Gloucester Boulevard to prohibit left turns onto Route 299.

- 3) Further to Comment 2 above, the developer's site engineer should contact DelDOT's Subdivision Manager for New Castle County, Mr. John Schneider, at (302) 760-2263 to discuss specific requirements for access.

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

**Soils**

According to the soil survey update, Reybold-Sassafras complex and Matapeake were mapped in the immediate vicinity of the proposed project. Both of these soils are well-drained upland soils that have few 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 Appoquinimink watershed, 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.

In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones in the Department's Watershed Assessment Section can be contacted at (302) 739-4590 for further information regarding the acceptable protocol for calculating a nutrient budget.

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.

The developer is encouraged to employ BMPs or other pollution control strategies such as stormwater management and riparian buffers to mitigate potential nutrient runoff into adjoining stream(s) or watercourse(s).

### **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.

### **Water Resource Protection Areas**

The entire site falls within an excellent recharge area (see map). According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.”

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. The DNREC recommends the following measures, ranked in order of preference:

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement;
- 2) Limit impervious cover of new development to 20 % by right within WRPAs;

- 3) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff;
- 4) Allow impervious cover of new development to exceed 20% within WRPA's (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at <http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>  
Ground-Water Recharge Design Methodology at [http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual\\_supplement\\_1.pdf](http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf)

### **Sediment and Erosion Control/Stormwater Management**

An approved detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through Town of Middletown. Contact the Town of Middletown at (302) 378-9120 for details regarding submittal requirements and fees.

The application lists biofiltration as the stormwater management method. If the site has permeable soils, stormwater management practices that promote recharge such as infiltration, dry wells, and bioretention are recommended. These methods may also help with peak discharge and volume control which will be less effective with biofiltration swales.

### **Rare Species**

DNREC has not surveyed this parcel and there are no records of state-rare or federally listed plants, animals or natural communities at or adjacent to the site. There are records of the federally listed bog turtle (*Glyptemys muhlenbergii*) to the north, however aerial photographs do not reveal any habitat that would support this species within project boundaries. Bog turtles occur in freshwater wetlands that typically have open canopies, mucky soils, and tussock vegetation. The bog turtle is protected under the Endangered Species Act, and its presence can affect the scope of work. If this type of habitat is present on the property, the applicant should be aware that Phase I surveys may be required.

### **Underground Storage Tanks**

There is one inactive LUST site located near the proposed project: DOT-Guseman Property, Facility # 3-001611, Project # N0108071.

No environmental impact is expected from the above inactive/active LUST site. 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.

### **Mobility Enhancement**

DNREC recommends that sidewalks be built throughout the complex. A complete system of sidewalks will facilitate safe, convenient off-road access for visitors to the restaurant. Bike racks should be provided at several locations to encourage non-motorized forms of travel.

### **State Fire Marshal's Office – Contact Duane Fox 856-5298**

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:

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains of fire hydrants and sprinkler systems.
- 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. (Mercantile)
- 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. (Assembly, Business, and Hotel)

#### 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 Middletown Odessa 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.

4) Gas Piping and System Information

- Provide type of fuel proposed, and show size and location 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)
- Townhouse 2-hr separation wall details shall be shown on site plans
- 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.



**Department of Agriculture - Contact Mark Davis 739-4811**

The Delaware Department of Agriculture has no objections to this project at this time and encourages the developer to contact the office with questions regarding landscape design, and tree mitigation.

**Right Tree for the Right Place**

The Department of Agriculture 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 of Agriculture 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 of Agriculture 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 to this aspect of the development. The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

**Public Service Commission - Contact Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

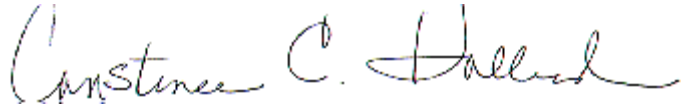
**Delaware Emergency Management Agency – Contact Don Knox 659-3362**

Due to the commercial development being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving the Town of Middletown, to keep them apprised of all development activities.

**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". The signature is written in black ink and is positioned above the printed name and title.

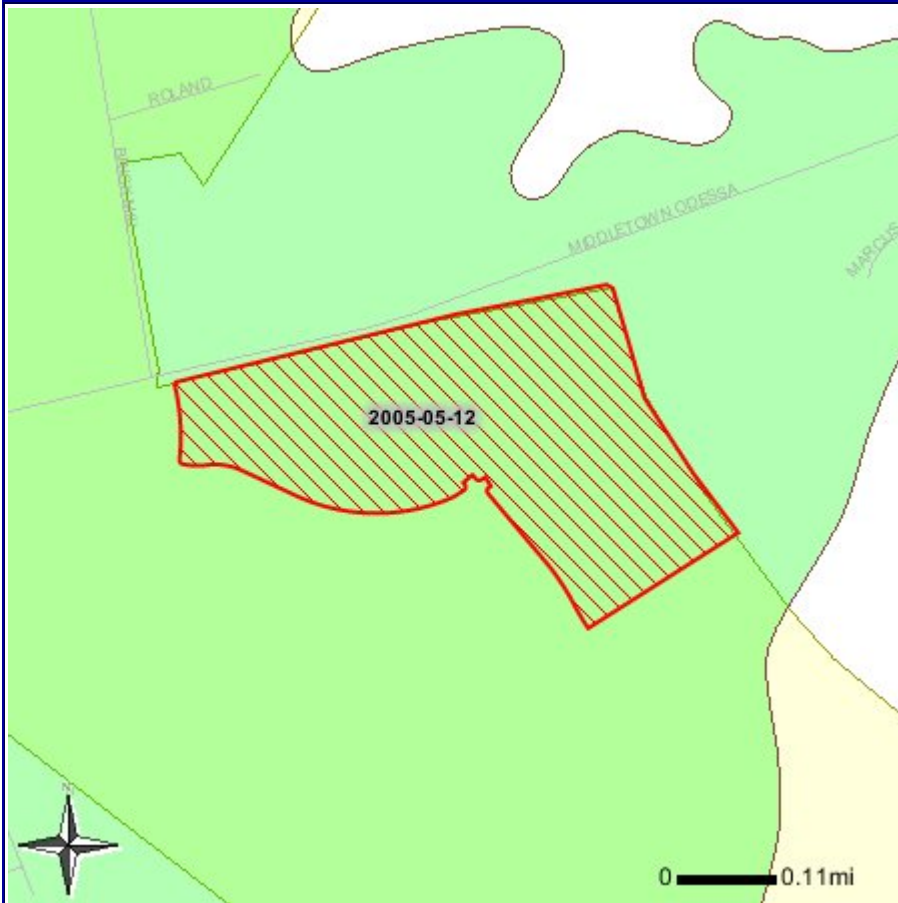
Constance C. Holland, AICP  
Director

CC: Town of Middletown



# Willow Grove Mill

2005-05-12



- PLUS Projects
- All Roads
- Excellent Recharge Areas
- Towns



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

