



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 16, 2005

Mr. Gary T. Cuppels
Environmental Consultants International Corporation
220 Rehoboth Avenue
PO Box 820
Rehoboth Beach, DE 19971

RE: PLUS Review 2005-07-09, Lessard Corporate Center

Dear Mr. Cuppels,

Thank you for meeting with State agency planners on July 27, 2005 to discuss the proposed plans for the Lessard Corporate Center project to be located on 4.7 acres located on Route 10 and Sorghum Mill Road in Kent County. According to the information received, you are seeking a rezoning from RS1 to OC for the purpose of constructing a 48,000 square foot office building. We understand that according to the County's current practices, a comprehensive plan amendment will be considered by the Levy Court concurrently with this application. The PLUS review for this project includes both the zoning change and the comprehensive plan amendment.

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 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.

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. We understand that according to the County's current practices, a comprehensive plan amendment will be considered by the Levy Court concurrently with this application. This project is located in Investment Levels 1 and 2 according to the *Strategies for State Policies and Spending*. This site is also located in the

Kent County Growth Zone. Investment Levels 1 and 2 reflect areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed rezoning, comprehensive plan amendment and development of this project in accordance with the relevant County codes and ordinances.

Division of Historic and Cultural Affairs – Contact Alice Guerrant 739-5685

The project parcel contains a prehistoric archaeological site (K-5937) and is immediately adjacent to Great Geneva (K-150) which is listed in the National Register of Historic Places. There is also a 19th-century house (K-3253) across Rt. 10 from Great Geneva and the Great Geneva barn (K-3254) which has been remodeled into a home. The landscaping shown on the development plans should be sufficient to block the visual change from Great Geneva and the other two buildings. However, the project will have an adverse effect on the archaeological site, which seems to cover nearly the whole parcel. We request the applicant to allow SHPO an opportunity to examine this site, perhaps doing some test excavations to get a better idea its character prior to any ground-disturbing activities.

Department of Transportation – Contact Bill Brockenbrough 760-2109

HFTB-1 LLC (Lessard Builders) seeks to rezone a 4.7-acre parcel (Tax Parcel NM-00-095.00-01-07.00-000) on the southwest corner of Delaware Route 10 and Sorghum Mill Road (Kent Road 356A) from RS-1 to OC for the purpose of developing a 48,000 square foot office building. DelDOT has no comments on the rezoning but offers the following comments that will be relevant to the proposed development if the rezoning is approved:

- 1) Sorghum Mill Road and Route 10 are both classified as collector roads, but Route 10 has the added distinction of being a divided highway. Right-of-way widths vary but DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from centerline on collector roads and 50 feet from the inside edge of the travelway on divided highways. Therefore right-of-way dedication will be required along the frontage to provide any additional width needed from this project.
- 2) DelDOT will also require that a sidewalk or a paved multi-modal path be provided across the frontage of the site. The specific requirement will be determined by the project manager for Kent County, Mr. Brad Herb. He can be reached at (302) 266-9600.
- 3) Further, the developer will be required to improve the intersection of Route 10 and Sorghum Mill Road in partnership with the developer of Fieldstone on the north side of Route 10. This intersection has been identified as a problem location in DelDOT's Highway Safety Improvement Program and both of these

developments would be adding traffic to it.

- 4) The County should require a bicycle and pedestrian path between the proposed parking lot and Great Geneva Drive in the adjacent Twelve Oaks subdivision, so that residents of that development can reach the proposed building without entering Route 10. It is understood from the response to Question 39 on the PLUS form that the developer is not interested in a street connection there, and DelDOT has indicated agreement that a street connection is not desirable there. However, a bicycle and pedestrian path would be useful.
- 9) The developer's site engineer should contact the project manager for Kent County, Mr. Brad Herb regarding specific requirements for access.
- 10) DART First State presently provides transit service to this site by means of Route 105 (Moores Lake Shopping Center), which runs between the Water Street transfer station and the Gateway South shopping center by way of South State Street and Delaware Route 10. In addition to the path or sidewalk along Route 10, mentioned above, the developer should be required to provide for pedestrian access into the site so that employees and visitors can travel there by transit. More information concerning Route 105 and the desired access is available from Mr. Wayne Henderson, Service Development Planner for the Delaware Transit Corporation. Mr. Henderson may be reached at (302) 577-3278, extension 3553.

The Department of Natural Resources and Environmental Control
Contact Kevin Coyle 739-9071

General Comment

The Department is not opposed to the proposed rezoning request. The following comments are offered as if the property were to be developed.

Soils

Based on Kent County soil survey mapping, Sassafras was mapped over most of subject parcel. Sassafras is a well-drained upland soil that, generally, has few limitations for development. However, based on apparent indicators of wetlands hydrology gleaned from the 2002 aerial photography, wetter soil types are likely to be found on the southern portion of subject parcel.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of estuarine wetlands. Impacts to these wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications

represents a separate permitting process. 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.

Impervious Cover

The amount of projected imperviousness (66%) is excessive and should be reduced. Since commercial development significantly increases the amount of impervious cover (usually due to parking requirements) - leading to large volumes of contaminant-laden runoff which ultimately drain into streams or waterways - the applicant is strongly urged to pursue both natural and constructed Best Management Practices (BMPs) to reduce such impacts. Reducing the amount of impervious surfaces by planting more trees and/or the use of pervious paving surfaces ("pavers") in lieu of asphalt or concrete, are examples of ways to reduce such impacts. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

TMDLs

A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting. Although TMDLs as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for the St. Jones subwatershed to date, work is continuing on their development and they should be completed by December 2006. It is not clear how these future likely regulations will impact this development. 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. Reducing surface imperviousness and significantly increasing the amount of forest cover are examples of strongly recommended BMPs. As of April 11, 2005, stormwater best management practices must also consider, water quality as well as quantity in impaired water bodies. This action will help reduce nutrient loading into this watershed's water bodies.

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1190. 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. Contact Rick Rios at (302)739-9944.

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 at (302)741-2600, ext. 3, for details regarding submittal requirements and fees. As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies.

Drainage

The Drainage Program requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project.

Floodplains

Portions of the site appear to be located in the 100-year floodplain. It is recommended that all building construction and land altering activities be kept outside of the floodplain.

Rare Species and Riparian Buffer

There are currently no records of state-rare or federally listed plants, animals or natural communities on the land based portion of this project site. However, there is a population of blackbanded sunfish (*Enneacanthus chaetodon*) within Tidbury Creek. There is also an active Bald Eagle nest just outside of project boundaries. Eagles likely utilize trees along Tidbury Creek for roosting and foraging. Because of the presence of these rare species and in order to protect water quality, the existing forested buffer along the creek should be left intact. There is a large percentage of impervious surface associated with this project and an adequate buffer is necessary to minimize run-off into the creek system. This buffer should not contain structures, roadways or stormwater management ponds and should be placed in permanent conservation to prevent future clearing.

Underground Storage Tanks

There are no LUST site(s) located near the proposed project. 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 Duane Fox 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):

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) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
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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 of 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

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 Sorghum Mill 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.

Gas Piping and System Information

- Provide type of fuel proposed, and show locations of bulk containers on plan.

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 Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the Lessard Corporate Center application. The site is located on a designated controlled development area which is supportive of the *Strategies for State Policies and Spending* encouraging responsible development within Level 1 areas; the Delaware Department of Agriculture supports growth in these areas.

Improved Landscape Design

The Delaware Department of Agriculture 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 Delaware 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

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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 will clean rivers and creeks of storm-water run-off pollutants. 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.

Delaware Economic Development Office - Contact Gary Smith 739-4271

The Delaware Economic Development Office supports the rezoning of 4.7 acres for a 48,000 sq. ft. office building.

Public Service Commission - Contact Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within 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.

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