STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 17, 2005

Mr. Garth E. Jones, P.E.
Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19901

RE: PLUS Review 2005-07-17, Stover Homes Professional Campus

Dear Mr. Jones,

Thank you for meeting with State agency planners on July 27, 2005 to discuss the proposed plans for the Stover Homes Professional Campus project to be located on 38.12 acres on Bay Road in the City of Dover. According to the information received, you are seeking to develop a 1,050,000 square foot mixed-use commercial center.

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 the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

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
The project is located in Investment Levels 1 and 2 which is where the State supports redevelopment, infill, and new development activities such as this project.

Street Design and Transportation
A Traffic Impact Study is warranted. Cross access easements between this property and the Blue Hen Corporate Center are recommended.

Natural and Cultural Resources
Portions of this parcel are mapped as an "excellent recharge area." Best management practices should be used in site design to reduce imperviousness in these areas. A map is attached to this report.

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

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 City of Dover. 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 subdivision of this parcel in accordance with the relevant City codes and ordinances.

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

Nothing is known on this parcel or historic maps of the area. There are some areas of high and medium potential for prehistoric archaeological sites, although the recent bulldozing of the orchard has lessened the chance that there will be anything intact there. If the current proposal goes forward with the storm water management pond within the remaining forested area, DHCS would appreciate an opportunity to check this area for a site before any tree clearing takes place.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Stover Homes seeks to develop a mixed-use complex, consisting of a 10-lot office park and two commercial lots, on an approximately 38.12-acre parcel (Tax Parcel ED-05-77.00-01-22.00-000). The land is located on the east side of Bay Road (US Route 113) in the City of Dover, between the Puncheon Run Connector and the Blue Hen Corporate Center. There is a residence on a small lot (Tax Parcel ED-05-77.00-01-20.00-000) just north of the subject land. As shown on the Schematic Site Plan, this lot has been acquired and will become part of Lot 1 in the proposed development.

The land is zoned C4 (Lots 1 and 2) and IPM (Lots 3 through 12) in the City. Stover Homes would develop the complex by right. While specific uses are not known for most of the lots, Stover Homes proposes to place their headquarters in a 17,000 square foot office building on Lot 6 and a bank and a hotel have been discussed as a possible uses for Lots 1 and 2, respectively. The park streets are proposed to be dedicated for public use with the intent that they would be accepted for City maintenance.

1) A traffic impact study was completed in 2000 for a proposed shopping center on this same parcel. However, that study is now five years old, both the zoning of the site and traffic conditions around it have changed, and the future year that that study evaluated was 2003. Assuming typical office uses on the IPM parcels, a traffic impact study is warranted for this development and that the City should require one.

   TIS generally take about one year to be completed and reviewed and the applicant's engineer has indicated to us that the applicant is seeking to develop Lot 6, as described above, within the next year. If the City wishes to accommodate the applicant in this regard, they should require a note on the plan. That note should prohibit the development of Lots 1 through 5 and 7 through 12, and limit the development of Lot 6 to a 17,000 square foot office building, until a TIS has been completed by the developer and reviewed by DelDOT and any DelDOT recommendations have been addressed to the City's satisfaction. Alternatively, the City could require the completion and review of the TIS before approving the subject plan for the site. In either case, to help keep the project on schedule, the developer can have their traffic engineer contact Mr. Todd Sammons to arrange for a scoping meeting for the TIS. Mr. Sammons can be reached at (302)760-2134.

2) Related to but distinct from the TIS, is the design of the site entrance. Specific requirements for it will be determined by the Subdivision Manager for Dover, Mr. Richard Woodhall. Mr. Woodhall may be reached at (302)760-2262 and the developer's site engineer can contact him directly. While DelDOT would not accept the proposed streets for State maintenance, Mr. Woodhall's review may extend to the access locations for Lots 1 and 2 because they could affect the flow of traffic entering the site.

3) DelDOT recommends that cross-access easements be provided along the north edges of Lots 1 and 2 between those lots and the Blue Hen Corporate Center (BHCC), in addition to the proposed stub street between Lots 3 and 4. Depending on the uses proposed there, it may be more desirable to serve Lots 1 and 2 wholly or primarily through the BHCC property. Such an arrangement would have to be negotiated with the BHCC, but providing the easements is a necessary first step.

4) The site plan should provide for access from the American Legion property to the proposed street. While DelDOT does not propose any changes to that property's access now, if the American Legion or their successors seek to expand or significantly change the use of the property, shifting some or all of their access to the proposed street is anticipated.

5) The entrances to Lots 8 and 12 should be aligned across from each other.

6) The site has ample access to transit. DART First State bus routes 106 (Dover Air Force Base/Gateway South Shopping Center) and 107 (Capitol Complex – Blue Hen Corporate Center) both presently serve the adjacent Blue Hen Corporate Center. The developer's site engineer should contact Mr. Wayne Henderson, Service Development Planner for the Delaware Transit Corporation, to determine how best to provide transit to the office park. Mr. Henderson may be reached at (302)577-3278, extension 3553.

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

Soils
The Kent County soil survey indicates that Fallsington was mapped extensively on this parcel. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

Wetlands
Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands. PLUS application materials indicate that wetlands have been delineated. This delineation should be verified Corps of Engineers through the Jurisdictional Determination process. Impacts to wetlands should be avoided and vegetated buffers of no less than 100 feet should be employed from all wetlands and water bodies. Lots should exclude all wetlands and associated buffers. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

Impacts to Palustrine 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. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

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 Department feels that the amount of projected imperviousness (66%) is excessive and should be reduced. Use of pervious paving materials in lieu of asphalt or concrete

and significantly reducing the amount of forest cover removal - are examples of Best Management Practices (BMPs) that the applicant could implement to reduce surface imperviousness on this parcel. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

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 Little Creek 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. Reducing imperviousness, retaining/planting trees, and maintaining at least a 100-foot upland buffer from all streams and wetlands - are some examples of mitigative strategies to reduce nutrient runoff impacts.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that the southeastern part of the proposed development falls within an area of excellent groundwater recharge. The proposed development would change the total impervious cover from approximately less than1% to approximately 66%. The numbers were provided by the developer on the PLUS application. This exceeds the threshold for total impervious cover recommended for new development. The areas marked as 1, 2 and 3 are the areas that affect the excellent recharge area.

Map attached: Stover Homes Professional Campus (PLUS 2005-07-17) with excellent recharge in green and affected parcels outlined in light blue.

According to the State law that created the Source Water Protection Program, county and municipal governments with more than 2,000 residents will be required to enact ordinances to protect Water Resource Protection Areas. Municipalities with fewer than 2,000 residents are encouraged to enact such ordinances. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances may not yet be in place, the developer may find the language useful in modifying the site plan to protect water resources.

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.

Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. The Department recommends the following (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 WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrates rooftop runoff.
4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

For more information, refer to:
Source Water Protection Guidance Manual for the Local Governments of Delaware at http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html
and
Ground-Water Recharge Design Methodology at http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf

Water Supply
The project information sheets state water will be provided to the project by the City of Dover via a central water system. Records indicate that the project is located within the public water service area granted to the City of Dover under Certificate of Public Convenience and Necessity 90-CPCN-07. 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
This project is located upstream from an area with known drainage problems. The vicinity of South Little Creek Road and Fox Road has a history of drainage problems. The Drainage Program 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.

The proposed project is located partially within an area mapped as a groundwater recharge area. Due to existing drainage conditions downstream, the Drainage Program requests the developer to discuss infiltration and the delay release of stormwater as some of the methods of managing stormwater on this site with Jared Adkins of the Kent Conservation District. The Drainage Program encourages stormwater infiltration within groundwater recharge areas when possible. The Drainage Program objects to the removal of trees for the building of stormwater management areas. The Drainage Program recommends the stormwater management area be relocated from the wooded area.

Forest/Wetland Protection
Efforts to reduce further removal of trees should be employed. Forest clearing caused by the current site plan greatly diminishes the value of this forest to a host of plant and animals whether they are rare or not. These species will then disperse into surrounding areas and can cause human/animal conflicts.

According to the application, approximately 3 acres of trees are going to be removed; however, the site plan indicates a much higher percentage of tree removal. The applicant may want to re-evaluate calculations for tree removal (including trees that may have already been removed). The site plan also depicts a stormwater management pond within the wooded area. This pond should be moved to an area that is already cleared or an alternative method of stormwater should be implemented. Considering the function of trees in flood abatement and erosion control, it does not make sense to clear trees for stormwater management.

Ponds that remain in the site plan should be located at least 100 feet from the edge of wetlands. A 100-foot buffer around wetlands is necessary to protect the function and integrity of the wetlands. In addition, lot lines and infrastructure should not be located within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source

material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

Nuisance Waterfowl
Ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. Native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter are recommended. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

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

Former Roses Department Store, Facility # 1-000554, Project # K9502032

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.

Department of Agriculture - Contact Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the Stover Homes/Professional Campus application. The site is located within a designated controlled development area which is supportive of the *Strategies for State Policies and Spending* encouraging responsible development in Level 2; 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 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.

Public Service Commission - Contact Andrea Maucher 739-4247

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

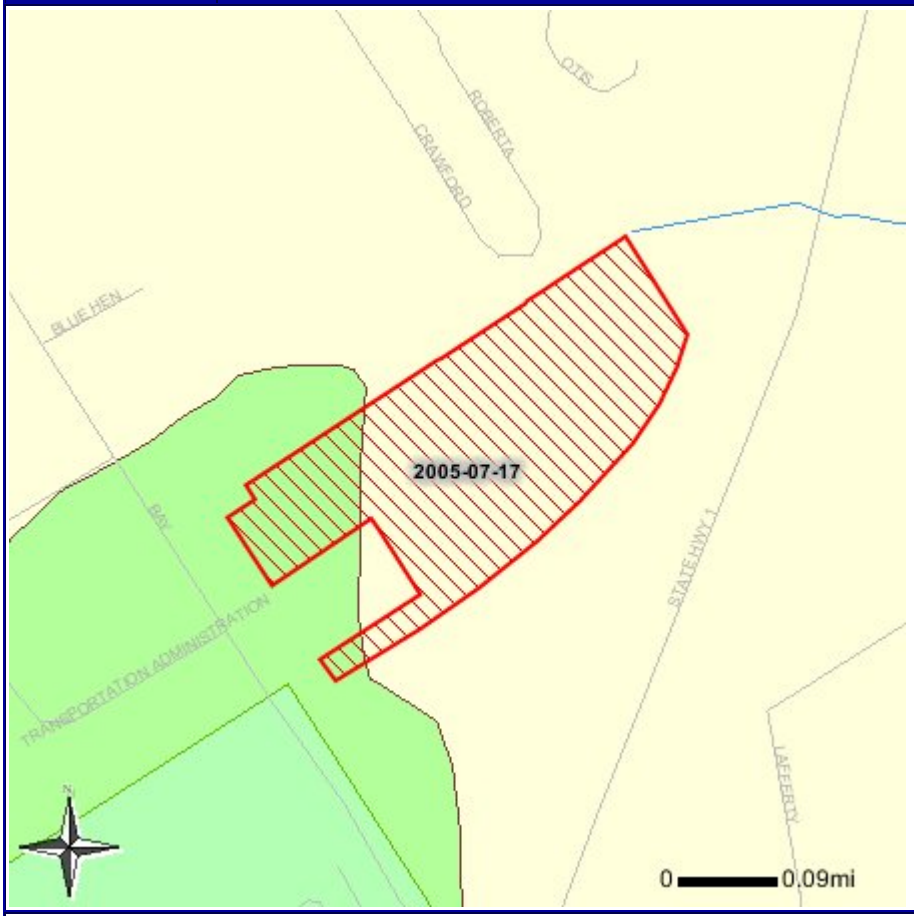
Sincerely,

Constance C. Holland, AICP
Director

CC: City of Dover

Stover Homes - Professional Campus

2005-07-17



PLUS Projects
NHDFlowLine
All Roads
Excellent Recharge Areas
Towns

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