



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

March 15, 2006

Mr. Ken Christenbury
Axiom Engineering
6 West Market Street, Ste. 1B
Georgetown, DE 19947

RE: PLUS review – PLUS 2006-02-01; Route One Offices

Dear Mr. Christenbury:

Thank you for meeting with State agency planners on February 22, 2006 to discuss the proposed plans for the Route One office project to be located 170 feet southeast of Beast lane and 200 feet north of Red Mill Pond.

According to the information received, you are seeking a rezoning of .89 acres from AR-1 to B-1 for the purpose of constructing an 8,500 sq. ft. office building (6,500 sq. ft. ground floor and 2,000 sq. ft. second floor).

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 Sussex 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.

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

This project is located in Investment Level 3 according to the *Strategies for State Policies and Spending*. State policies generally encourage long-term phased growth that is sensitive to natural resources in these areas. It is also located in the Environmentally Sensitive Developing Area according to Sussex County Comprehensive Plan. This is a proposal to rezone land from AR-1 (Agricultural Residential) to B-1 (Neighborhood Business) on Route 1 in Sussex County. The State has no objections to the rezoning but would like to offer comments regarding the development of the parcel

Street Design and Transportation

- Because the parcel is subject to the Corridor Capacity Preservation Program (CCPP), DelDOT will issue a permit for direct access if the use will generate 200 or fewer trips per day, which is about what they would expect a general office building of the size proposed to generate.
- DelDOT will require a sight distance analysis for the proposed entrance as part of the plan review process.
- The parking lot should be designed to permit a future bicycle and pedestrian connection across the adjoining lot to Pondview Drive.

Natural and Cultural Resources

- **The Division of Historical and Cultural Affairs would like the opportunity to look at this parcel to see if the prehistoric site extends into it, and to learn something about its nature if it does, prior to any ground-disturbing activities**
- Since the amount of imperviousness generated by this project will be significantly above this desirable watershed threshold of 10 percent (reported as 75%), the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Using pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

- The DNREC Water Supply Section has determined that the parcel falls wholly within an excellent ground-water recharge area (see attached map). Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. As such, these soils are able to transmit water very quickly from the land surface to the water table. Consequently, ground water in these areas may very readily be adversely affected by land use activities or impervious cover. The DNREC Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless.

- In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

This project is located in Investment Level 3 according to the *Strategies for State Policies and Spending*. State policies generally encourage long-term phased growth that is sensitive to natural resources in these areas. It is also located in the Environmentally Sensitive Developing Area according to Sussex County Comprehensive Plan. This is a proposal to rezone land from AR-1 (Agricultural Residential) to B-1 (Neighborhood Business) on Route 1 in Sussex County. The State has no objections to the rezoning but would like to offer comments regarding the development of the parcel.

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

There are no known historic properties on this parcel. There is a known prehistoric archaeological site near this parcel. It is also near to the location of the Jon. H. Paynter House as shown on Beers Atlas of 1868 and on later maps, although the actual house site has probably been destroyed by previous development.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Paynter House, usually a good distance behind or to the side of the house.

The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. They will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

The Division of Historical and Cultural Affairs would like the opportunity to look at this parcel to see if the prehistoric site extends into it, and to learn something about its nature if it does, prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) On March 31, 2005, DelDOT wrote to Sussex County to indicate that a traffic impact study would not be necessary for the subject rezoning. At that time, they noted that the property was subject to the Corridor Capacity Preservation Program (CCPP). A copy of that letter is enclosed.
- 2) As noted above and in the response to Question 41 on the PLUS form, the subject land is subject to the CCPP. For that reason, DelDOT will issue a permit for direct access if the use will generate 200 or fewer trips per day, which is about what they would expect a general office building of the size proposed to generate. The developer's engineer has already begun coordination with Mr. Charles Altevogt, DelDOT manager for the CCPP and they ask that that coordination continue as necessary. Mr. Altevogt may be reached at (302) 760-2124.

The developer's engineer has also begun coordination with the Subdivision Manager for Sussex County, Mr. John Fiori, regarding site plan and access approval. Again, DelDOT asks that that coordination continue as necessary. Mr. Fiori may be reached at (302) 760-2260.

- 3) DelDOT will require a sight distance analysis for the proposed entrance as part of the plan review process.
- 4) The parking lot should be designed to permit a future bicycle and pedestrian connection across the adjoining lot to Pondview Drive. DelDOT has no active plans to build that connection.

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

Soils

According to the Sussex County soil survey Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

Impervious Cover

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Based on analyses of 2002 aerial photography by the University of Delaware, the Broadkill River watershed, at that time, had about 7.9 percent impervious cover. Although this data is about 4 years old and likely an underestimate, it illustrates the importance of a proactive strategy to mitigate for predictable and cumulative environmental impacts. Since the amount of imperviousness generated by this project will be significantly above this desirable watershed threshold of 10 percent (reported as 75%), the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Using pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

TMDLs

Although Total Maximum Daily Loads (TMDLs) have not yet been developed for the Broadkill watershed to date, work is currently progressing on their development and they should be available in the near future. 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.

Water Supply

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. DNREC and PSC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15.

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 302-739-9944.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that the parcel falls wholly within an excellent ground-water recharge area (see attached map). Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. As such, these soils are able to transmit water very quickly from the land surface to the water table. Consequently, ground water in these areas may very readily be adversely affected by land use activities or impervious cover.

The DNREC Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless. A water balance calculation will be necessary to determine the quantity of clean water to be recharged via a recharge basin. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

The proposed development would change the impervious over from 0% to approximately 75%. These numbers were provided by developer on the PLUS application. Ideally, relocating any open space areas to the part of the parcel within the excellent ground-water recharge area would decrease the total impervious area. Augmenting the groundwater recharge with clean rooftop run-off systems are another alternative to maintaining the quality and quantity of water recharging the aquifer.

In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

For more information refer to the Final Source Water Protection Guidance Manual for the Local Governments of Delaware

<http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html>

and

Ground-Water Recharge Design Methodology

http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf.

For more information contact John Barndt at (302) 739-9945.

Sediment and Erosion Control/Stormwater Management

The Sediment and Stormwater plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District.

It is noted that infiltration is proposed for this project:

- The bottom of the infiltration practice must be no less than three (3) feet above seasonal high water table.
- The minimum measured field infiltration rate at the hydraulically most restrictive zone between the bottom of the infiltration practice and three feet below is 1.02 inches per hour.
- One half of the measured infiltration rate shall be used in the design of the infiltration system.
- Pre-treatment of the runoff should be provided prior to discharge to the underground system. Green technology BMPs such as bioretention or filtration must be considered prior to other practices.

Discharges to the DelDOT system will require approval of DelDOT prior to approval the Sediment and Stormwater Plan.

Rare Species

A review of the database indicates that there are currently no records of state-rare or federally listed plants, animals or natural communities at this project site. However, there are rare species associated with Red Mill Pond that could be impacted by water quality degradation. Therefore, stringent stormwater and erosion control methods should be employed to prevent run-off from entering the pond.

Nuisance Waterfowl

The stormwater management pond 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 grasses around ponds provide an attractive habitat for these species. DRNEC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter. 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, property managers or owners 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 proper landscaping, monitoring, and other techniques, geese problems can be minimized.

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 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 with nitrile rubber gaskets in the contaminated areas.

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

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):

- a. **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.

- b. **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

- c. **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 US Route 1 (Coastal 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.
 - 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.

- d. **Gas Piping and System Information**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.

- e. 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 our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the Route One Offices application. The site is located on an environmentally sensitive development area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within a Growth Level 3 Zone. This site is part of an “excellent recharge” area. DNREC has mapped all ground water potential recharge areas. An “excellent recharge” rating is the highest rating and designates an area as having important groundwater recharge qualities. Maintaining pervious cover in “Excellent” and “Good” recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations.

Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service 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 and the Delaware Forest Service 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 our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

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. Contact: Malak Michael at (302) 739-4247.

Sussex County – Contact: Richard Kautz 855-7878

The site plan should also show compliance with the Route 1 Highway Corridor Overlay as required by 115-194.1 of the County Code, where applicable.

Per page 15 of the Comprehensive Plan, "any increased density by rezoning should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly.

The Sussex County Engineer Comments:

The proposed project is within the West Rehoboth Expansion area for central sewer and connection to the sewer system is mandatory.

The sewer planning study assumption is 1.0 EDU per parcel (3.0 EDUs total) reflecting residential parcels in a residential subdivision (Red Mill Manor). The Sussex County Engineering Department opposes this rezoning because of the potential for increased wastewater flow from business uses. The proposed business zoning and commercial use is located on residential lands not previously identified for commercial use by Sussex County Planning and Zoning. The proposed use does not conform to Sussex County's Comprehensive Land Use Plan.

The parcels are not currently served with a sanitary sewer lateral to the property line. There is no gravity collection line adjacent to the parcels. Extension of sewer lines to serve the parcels will be at the property owner's expense. The Sussex County Engineer must approve the sewer connection point. A sewer concept plan must be submitted to Sussex County Engineering Department for review and approval prior to plan submittal. A checklist for preparing sewer concept plans was handed out at the meeting.

Onetime System Connection Charges will apply. Please contact Mrs. Christine Fletcher at 302 854-5086 for additional information on charges. Extension of sewer service to the parcels or an approved agreement for offsite sewer construction and payment of System Connection Charges is required prior to issuance of a building permit. Sewer hookup permits will not be issued until sewer service has been extended to the parcels.

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,



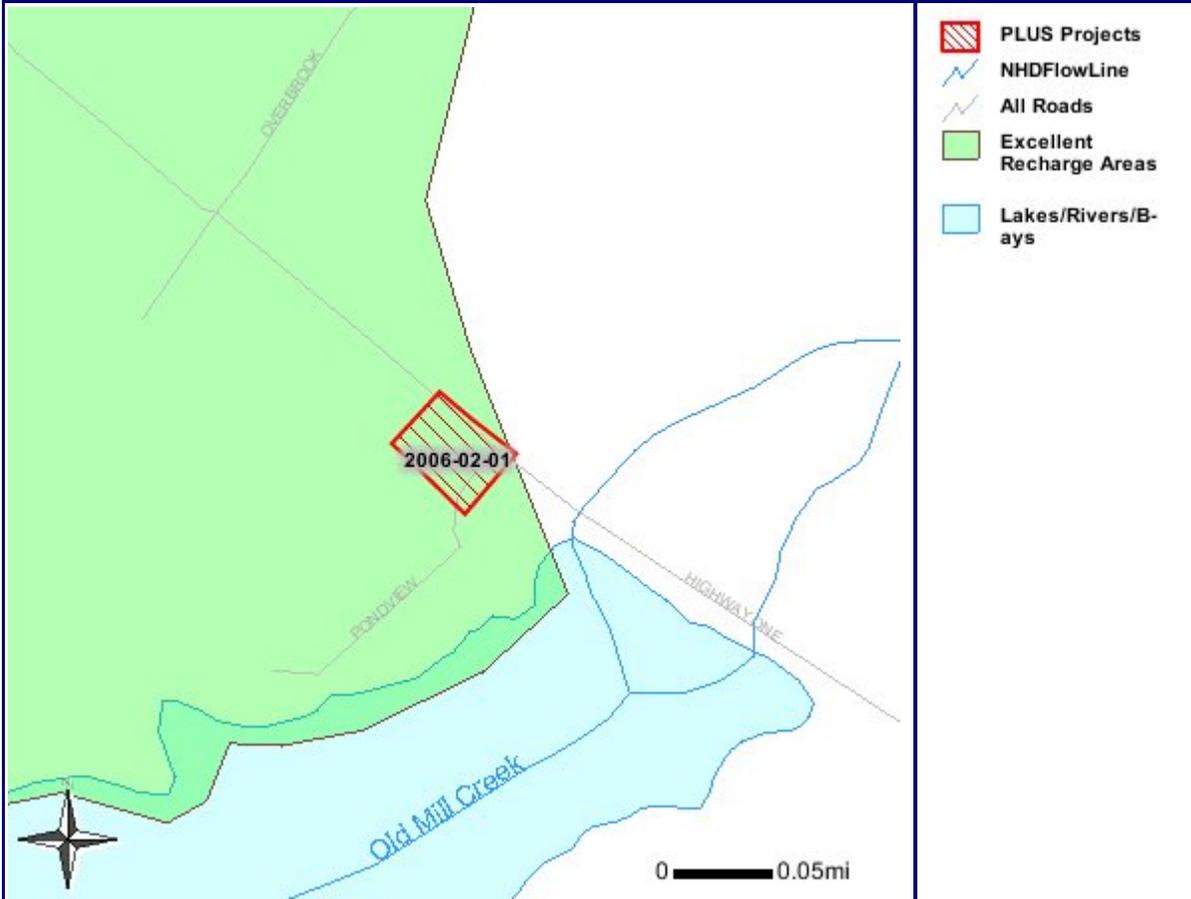
Constance C. Holland, AICP
Director

CC: Sussex County



Route One Offices

2006-02-01



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

