



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

March 23, 2006

Mr. Keith Kooker  
Landmark Engineering  
29 South State Street  
Dover, DE 19901

RE: PLUS review – PLUS 2006-02-14; Kent County Courthouse

Dear Mr. Kooker:

Thank you for meeting with State agency planners on March 1, 2006 to discuss the proposed plans for the Kent County Courthouse project to be located on the Green in Dover.

According to the information received, you are seeking site plan approval to renovate the existing courthouse, demolish the existing O'Brien Building and construct a 147,735 sq. ft. courthouse with 25 underground parking space.

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**

This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. This site is also located in the City of Dover. Investment Level 1 reflects 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 development of this project in accordance with the relevant City codes and ordinances.

### **Street Design and Transportation**

Water Street and Federal Street are classified as collector roads. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.

### **Natural and Cultural Resources**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site

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

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

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Based on the discussion at the PLUS meeting, our office encourages collaboration between the City of Dover and the Division of Facilities Management regarding long parking, pedestrian improvements and other initiatives in the Capital area. Please to not hesitate to contact our office if we can be of any assistance during the ongoing efforts to plan for the continued growth and development of the Capital Complex.

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

The Kent County Courthouse (K-394.067) is listed in the National Register of Historic Places as part of the Dover Green Historic District, as are the other adjacent historic properties. This office is already in consultation with Administrative Services on their plans for this construction and for the demolition of the existing County Administrative Building. The DHCA has reviewed this area for archaeological remains, and they did find evidence of a 19<sup>th</sup>-c. site in the parking area nearest to the courthouse. They will be working with Administrative Services to test this area further. They will also be reviewing their plans for any effects on the historic buildings of the Green and elsewhere in the vicinity.

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

- 1) DelDOT understands parking issues in the capitol complex. They urge you to continue your efforts in this regard, so that more parking will be available when the new facility opens.
- 2) Water Street and Federal Street are classified as collector roads. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) Because the plan involves changes to the site access on Water Street and Federal Street, new entrance plans and permits will be necessary. The site engineer should contact Mr. Richard Woodhall, the DelDOT Subdivision Manager for Dover, regarding our specific requirements. He may be reached at (302) 760-2262.

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

**Water Resource Protection Areas**

The DNREC Water Supply Section has reviewed the above referenced PLUS project and determined that it does fall 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 proposed development would change the impervious cover from 77% to approximately 71%. 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](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.

**Water Supply**

The project information sheets state water will be provided to the project by The City of Dover via an extension to the City of Dover existing system. Our 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.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, they are: Capitol Uniform and Linen Service, Capitol Cleaners, and a Groundwater Management Zone for Dover Gas Light Site.

Should you have any questions concerning these comments, please 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 DNREC Division of Soil and Water Conservation Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Because this project is a redevelopment, a stormwater quantity management waiver is likely; however, stormwater quality management must be addressed for the site. Green Technology BMPs must be given first consideration for stormwater quality management. Bioretention may be a good fit to incorporate landscaping into the stormwater management design.

Each stormwater management facility must have an adequate outlet for release of stormwater. If it is necessary to tie into the existing storm drain system to discharge stormwater, approval for that tie-in must be granted by the owner of that system (i.e. City of Dover, DelDOT).

It is strongly recommended that you contact the reviewing agency to schedule a preliminary meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

### **Underground Storage Tanks**

There are nineteen inactive LUST site(s) located near the proposed project:

DNREC R & R Building, Facility # 1-000300, Project # K0012150  
U S Postal Service, Facility # 1-000285, Project # K9408194  
Diamond State Telephone, Facility # 1-000245, Project # K8895036  
Dover Hardware Company, Facility # 1-000596, Project # K0008105  
Former Mellon Bank, Facility # 1-000326, Project # K0207059  
Wesley United Methodist Church, Facility # 1-000620, Project # K9709138  
Legislative Hall, Facility # 1-000499, Project # K9006046  
Margret O'Neill Building, Facility # 1-000615, Project # K9911241  
Johnson Victrola Museum, Facility # 1-000561, Project # K9504081  
The Cutting Corner, Facility # 1-000690, Project # K0107064  
Capitol Uniform & Linen Service, Facility # 1-000249, Project # K9205135  
The Box Outlet, Facility # 1-000555, Project # K9607123  
Kent County Pump Station # 18, Facility # 1-000315, Project # K8903007  
Jessie Cooper Building, Facility # 1-000528, Project # K8805017  
Army National Guard Dover Armory, Facility # 1-000223, Project # K9308149  
Capitol Police/Credit Union, Facility # 1-000655, Project # K0011142  
Tatnall State Building, Facility # 1-000407, Project # K9005020  
Firestone Store Dover, Facility # 1-000177, Project # K8809078  
Dover Automotive, Inc., Facility #1-000558, Project # K9505100

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 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.

### **Site Investigation and Restoration**

There were 11 SIRB sites found within a ½-mile radius of the proposed site:

- Former Dover Ice Plant (DE-1110) is located northwest of the proposed site. Remedial Investigation (RI) revealed the presence of volatile organic compounds (VOC) and traces of semi volatile organic compounds (SVOC) that do not exceed drinking water standards. Therefore, DNREC does not foresee a negative impact on the proposed site
- Dover Westside Area A (DE-1212) is located northwest of the proposed site. A Brownfield preliminary assessment revealed TCE and carbon tetrachloride above URS in water. Since groundwater flow is east in the direction of the proposed site, this SIRB site may have a negative impact.
- Dover Westside Area B (DE-1213) is located northeast of the proposed site. In a preliminary assessment, PAHs along with arsenic were found in ground water. This site may have a negative impact on the proposed site.
- Dover Machine Works (DE-1314) is located northeast of the proposed site. A no further action (NFA) was issued because there was no evidence of contamination found. This site has no negative impact on the proposed site.
- Donoho's Paint Manufacturing (DE-1312) located northeast of the proposed site. A no further action (NFA) was issued because there was no historical evidence of contamination. This site has no negative impact on the proposed site.
- New Street (DE-1107) is located northeast of the proposed site. A facility evaluation completed in 1998 revealed that groundwater exceeded EPA's drinking water standard. Groundwater samples collected show that the contaminant concentration has diminished significantly. Because of this natural attenuation, DNREC does not foresee a negative impact on the proposed site.
- Dover Gas and Light (DE-0057) is located west of the proposed site. An RI conducted showed that the site was contaminated with VOCs, SVOCs, and PAH. However, since ground water flow from the site does not influence the proposed site, DNREC does not foresee a negative impact on the proposed site.

- Morris Work Release Center (DE-1143) is located north of the proposed site. The soil was contaminated with PAHs, VOC. The contaminated soil was excavated and removed from the site. DNREC does not foresee a negative impact on the proposed site.
- Capitol Cleaners (DE-1018) is located southwest of the proposed site. DNREC found TCE and PCE at this site. There is no negative impact on the proposed site, due to the direction of groundwater flow.
- Scull Property (DE-0153) is located south of the proposed site. Elevated levels of metals and PAHs were found during a remedial investigation. However, ground water flow is not in the direction of the proposed site. Therefore, DNREC does not foresee a negative impact.
- Dover Archives (DE-1133) is located northeast of the proposed site. Contamination at this site is limited to soil. The soil was excavated and taken offsite. The site does not influence the proposed site negatively.

Overall, the proposed site may be impacted negatively by some of the contaminated sites within a half-mile radius. To counter this possibility, groundwater use should be restricted with the aid of a deed restriction.

If you have any questions, please contact Babatunde Asere at 302-395-2600.

**Department of Agriculture - Contact: Milton Melendez 698-4500**

The Delaware Department of Agriculture nor the Delaware Forest Service has any objections to the Kent County Courthouse application. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 1 areas.

*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 Department of Agriculture 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 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.

**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".

Constance C. Holland, AICP  
Director

CC: City of Dover  
State of Delaware – Facilities Management