



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

June 13, 2006

Mr. Robert Meding
3697 Bay Road
Milford, DE 19963

RE: PLUS review – PLUS 2006-05-11; Meding Property

Dear Mr. Meding:

Thank you for meeting with State agency planners on May 24, 2006 to discuss the proposed plans for the Meding Property located north of Milford on 113 at the intersection with Tub Mill Pond Road.

According to the information received, you are seeking a rezoning of 4 acres to expand your existing dining hall. In addition, you noted that you may want to add outside storage to begin selling mulch and landscaping equipment. This PLUS review is for both the rezoning application and the comprehensive plan amendment that will be required should Levy Court choose to rezone this property.

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 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.

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

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

This PLUS review includes both a comprehensive plan amendment and a rezoning request. 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, the comprehensive plan amendment must be adopted prior to or concurrently with the zoning change. This rezoning is located in Investment Level 3 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Our office has no objections to the proposed rezoning of this parcel in accordance with the relevant County codes and ordinances.

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

Nothing is known within this parcel. It is already disturbed by an existing mound septic system, so there is little probability for intact archaeological sites here. There is an early-to-mid-20th-century house (K-7580) across Bay Rd (Rt 1/113) from this parcel. Beers Atlas of 1868 shows the Dr. N. C. Coolen House in this vicinity, but it may very well have been destroyed by the construction of Bay Rd.

The expansion of this business will not introduce any additional visual or noise effects in this area. The Division of Historical and Cultural Affairs has no objection to this project.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) On May 18, 2006, DelDOT responded to a request from Kent County for a Support Facilities Report concerning this application. A copy of the letter in that regard is enclosed. In the relevant part, DelDOT advised the County that they did not recommend that a traffic impact study be required.
- 2) Delaware Route 1, between Dover Air Force Base and US Route 9 at Five Points, is subject to the Corridor Capacity Preservation Program. DelDOT manages access along certain arterial highways under this legislatively mandated program. The purpose of the program is to preserve the capacity of those highways to handle through traffic. As discussed in the May 18 letter, DelDOT will not grant access on Route 1 for the subject parcel, but will instead require that the parcel be accessed by way of Tub Mill Pond Road. The May 18 letter is not specific on where that access should be located but unless the applicant is able to obtain an easement through the adjoining parcel to the west, it would have to be through the applicant's adjoining parcel to the north. DelDOT would recommend that the

- County require cross-access easements between these two parcels so that such access can be maintained if either parcel is ever sold to another owner. They recommend that the applicant contact the manager of the Corridor Capacity Preservation Program, Mr. Charles Altevogt, to further determine, in general terms what access they would permit. Mr. Altevogt may be reached at (302) 760-2124.
- 3) The aforementioned access arrangement notwithstanding, DelDOT is preparing to meet next week with Kent County officials regarding the possible future realignment of Tub Mill Pond Road and Milford Neck Road (Kent Road 120). They hope to summarize the results of those discussions in their written comments on this application and are interested in working with Mr. Meding regarding coordination of these road improvements and his plans for expansion.
 - 4) If this rezoning is approved, the applicant's site engineer should contact Mr. Brad Herb, the project manager for Kent County, regarding specific requirements for access. He may be reached at (302) 266-9600.

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

General Comment

DNREC has no objection to the proposed rezoning. The following comments are offered as if the property were to be developed.

Water Supply

The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the project is not located in an area where public water service is available. Should an on-site public/miscellaneous public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any 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. 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.

Wastewater Disposal

A review of the site evaluation and wastewater permit reveals that there are limitations for replacing or upgrading the existing elevated sand mound. It is recommended that the property owner contact Sue Marsett, Division of Water Resources, at 302-739-9947, and Jeff Reed, Citadel Engineering (the designer of the original system), at 302-422-2574, before moving forward.

Sediment and Erosion Control/Stormwater Management

A detailed Sediment and Stormwater Management Plan must be approved by DNREC prior to any land disturbing activity (i.e. clearing, grading, filling, etc.) more than 5000 square feet.

State Fire Marshal's Office – Contact: John Rossiter 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):

❖ *This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.*

a. **Fire Protection Water Requirements:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

- If the occupant load of the assembly is greater than 300 persons the building shall have an automatic sprinkler system installed.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 sq.ft., a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sq.ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq.ft. or less
- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

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 Tubmill Pond 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.

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)
- 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 Meding Seafood request for rezoning. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 3 and the “growth” Zone.

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.

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.

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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 to the right of the word "Sincerely,".

Constance C. Holland, AICP
Director

CC: Kent County