



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

August 23, 2006

Dr. Victor Valeski
Caesar Rodney School District
P.O. Box 188
Camden, DE 19934

RE: PLUS review – PLUS 2006-07-03; Caesar Rodney School District

Dear Dr. Valeski:

Thank you for meeting with State agency planners on August 2, 2006 to discuss the proposed plans for a future middle school site to be located at the corner of Briarbush and Banning Roads.

According to the information received, you are seeking information regarding the feasibility of locating a 110,000 sq. ft. middle school on 25 acres near Magnolia.

It is noted that no site plan was submitted for this PLUS meeting and this meeting was to determine the feasibility of this site for a middle school. If this location is chosen and approved by the State, an additional PLUS meeting will be required once a site plan is completed. 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.

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 proposed school site is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed construction of a school at this location in accordance with the relevant County codes and ordinances.

School Site Approval

- All school sites must be approved by the Secretary of Education, The Director of the Office of Management and Budget, and the Director of the Office of State Planning Coordination. Procedures describing this process are attached for your reference.

Street Design and Transportation

- Briarbush Road is classified as a local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will not require a traffic impact study for the proposed development, but they will require the District to improve Briarbush Road, from Banning Road to the southerly parcel limits, to meet DelDOT's local road standards.
- The District should provide a 10-foot shared use path in a 15-foot permanent easement along the full length of their frontage. To the extent that additional pedestrian facilities are needed to provide students in the existing Country Field subdivision and the planned Barrett Farm subdivision with a safe path to the school, the District should provide those as well.
- On its northwest edge, the subject site includes the land directly opposite the Banning Road right-of-way. Recognizing that the Kent County comprehensive

plan calls for development in the area surrounding the site, it is necessary to plan for a future road network in that area. For that reason, DeIDOT asks that the District either extend Banning Road as part of their plan for the property or reserve or dedicate a local road right-of-way (30 feet on either side of the centerline) sufficient to allow for the future extension of Banning Road by others.

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

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

This proposed school site is located in Investment Level 2 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed construction of a school at this location in accordance with the relevant County codes and ordinances.

The site is well located in a rapidly developing suburban residential area. When considering the future site plan for the school, we encourage the district to include sidewalks and pedestrian connections to surrounding neighborhoods.

All school sites must be approved by the Secretary of Education, The Director of the Office of Management and Budget, and the Director of the Office of State Planning Coordination. Procedures describing this process are attached for your reference. You may initiate this process at your convenience for this site.

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

Nothing is known on this parcel. It is adjacent to a historic agricultural complex (K-3360, possibly the J. Ashcraft House shown on Beers Atlas of 1868) to the southwest and another agricultural complex (K-3361) across Briarbush Rd. to the northwest. Two other historic houses (K-3359 and K-3541) appear to the southeast on Millchop Rd. There is only a low potential for historic-period archaeological sites here, but there is an area of high potential for prehistoric-period sites in the north corner of the parcel.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Ashcraft House, usually a good distance behind or to the side of the house. The school district 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, and the school district may want to hire an archaeological consultant to check for the possibility of a cemetery here. We will be happy to discuss these issues with the school district; the contact person for this program is Faye Stocum, 302-736-7400.

The DHCA requests that the school district include sufficient landscaping to block the view from the historic properties nearby. If the parcel eventually includes the agricultural complex to the southwest, we would appreciate the opportunity to work together to preserve the buildings or to document them prior to any demolition activities. They would also appreciate the opportunity to look for any archaeological sites that may be present to learn something about their location, extent, and nature prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Briarbush Road is classified as a local road. DeIDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DeIDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project. Additional right-of-way requirements are discussed in item 4 below.
- 2) DeIDOT will not require a traffic impact study for the proposed development, but they will require the District to improve Briarbush Road, from Banning Road to the southerly parcel limits, to meet DeIDOT's local road standards, which include eleven-foot travel lanes and five-foot shoulders. In addition to widening the existing pavement, the District may be required to overlay it. DeIDOT will analyze the existing through travel lanes' pavement section and recommend an overlay thickness to the District's engineer if it is needed.
- 3) The District should provide a 10-foot shared use path in a 15-foot permanent easement along the full length of their frontage. To the extent that additional pedestrian facilities are needed to provide students in the existing Country Field subdivision and the planned Barrett Farm subdivision with a safe path to the school, the District should provide those as well.
- 4) On its northwest edge, the subject site includes the land directly opposite the Banning Road right-of-way. Recognizing that the Kent County comprehensive plan calls for development in the area surrounding the site, it is necessary to plan for a future road network in that area. For that reason, DeIDOT asks that the District either extend Banning Road as part of their plan for the property or

reserve or dedicate a local road right-of-way (30 feet on either side of the centerline) sufficient to allow for the future extension of Banning Road by others. Similarly, the sight distance on northbound Briarbush Road is such that a driver turning left onto an extension of Banning Road would not have adequate sight distance, so the District should reserve or dedicate additional right-of-way along their frontage for a future realignment of Briarbush Road. The District may contact our Subdivision Engineer, Mr. Marc Cote' for further guidance in this regard. Mr. Cote may be reached at (302) 760-2165.

- 5) The developer's site engineer should contact our project manager for Kent County, Mr. Brad Herb, regarding our specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

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

Soils

Based on the Kent County soil survey, Sassafras and Rumford were mapped in the immediate vicinity of the proposed project. Sassafras and Rumford are well-drained upland soils that, generally, have few limitations for development.

Impervious Cover

Based on the information presented in the PLUS application, calculated post-development surface imperviousness is projected at 10 percent. However, this calculation apparently discounts that portion of constructed surface imperviousness created from roads and sidewalks. All forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the impervious surface calculation, or this project's environmental impacts are likely to be underestimated. It is strongly advised, therefore, that this figure be recalculated to reflect all post-development impacts created through constructed surface imperviousness.

Studies have 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 St. Jones watershed had about 16.2 percent impervious cover. Although this data is about 4 years old and likely an underestimate, it underscores the importance of a proactive strategy to mitigate for predictable and likely cumulative environmental impacts. Since the amount of constructed surface imperviousness generated by this project is likely to be much higher than the desirable aggregate watershed threshold of 10 percent (reported as 10 percent,

but likely to be significantly higher), the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with an increase in forest cover or tree plantings are examples of practical BMPs that could easily be implemented to mitigate some of the most adverse impacts.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the St. Jones river watershed, reductions of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Nutrient reductions prescribed under TMDLs are assigned to those watersheds or basins on the basis of recognized water quality impairments. Although TMDL nutrient reductions for nitrogen and phosphorus have not been officially finalized for the St. Jones watershed to date, it is expected that a 40 percent reduction will be required for both nitrogen and phosphorus.

TMDL Compliance through the Pollution Control Strategy (PCS)

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the St. Jones Watershed. The TMDL calls for a 40% reduction for nitrogen and phosphorus from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional reductions may be possible through the implementation of Best Management Practices such as wider vegetated buffers along watercourses/wetlands, increasing passive, wooded open space, use of performance-based wastewater disposal – or even better – connection to central sewer, and the use of stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The project information sheets state that water will be provided to the project by an individual on-site public utility system. DNREC records indicate that the project is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity 03-CPCN-10. Any public water utility

providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site 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.

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 the 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 the Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Applying practices to mimic the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique. Green Technology BMPs (filtration, biofiltration, bioretention) must be given first consideration for stormwater quality management. This site is composed of Sassafras and Rumford soils which are generally well-drained and may be suitable for infiltration. Each stormwater management facility should have an adequate outlet for release of stormwater. Conveyance of runoff from the site to a downstream discharge point may require securement of an easement. Discharges to the roadside swale will require the approval of DelDOT.

It is strongly recommended that you contact our office 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 is one inactive LUST site(s) located near the proposed project:

DelDOT Magnolia Facility, 1-000304, Project # K9907147

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.

State Fire Marshal's Office – Contact: John Rossiter 302-739-4394

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):

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 (educational) 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 sqft, 3-stories or more, 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 Briar Bush Road and Banning 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)
- Note indicating if building is to be sprinklered
- Note indicating building shall comply with Large Area Building requirements
- 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 proposed application. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within Investment Level 2.

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 excess 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.

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

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.

Department of Education – Contact: John Marinucci 739-4658

The DOE supports the use of this property as a school site. The Caesar Rodney School District Administration has reported to the DOE that the school district has already accomplished some preplanning to include sub-surface investigation and executed agreements with developers to address civil utilities to include water and sewer. This site is located in an area of significant existing and planned continued residential development and the property is already owned by the Caesar Rodney School District.

The comments in this letter are offered as advisory comments to help the school district determine the feasibility of this property for a school site. If the district chooses to move forward with this site, the Budget Office, the Department of Education, and the State Planning Office would need to approve this location. In

addition, the site plan for the proposed school would need to be reviewed through the Preliminary Land Use Service (PLUS).

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

Attachment

CC: Kent County