



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

August 23, 2006

Mr. Robert Stronsky
Landmark Engineering, Inc.
29 South State Street
Dover, DE 19901

RE: PLUS review – PLUS 2006-07-05; King Farm Industrial Park

Dear Mr. Stonsky:

Thank you for meeting with State agency planners on August 2, 2006 to discuss the proposed plans for the King Farm Industrial Park project to be located on the west side of Park Avenue east of Sussex County airport and south of the Penn Station Railroad.

According to the information received, you are seeking site plan approval for a 701,125 sq. ft. industrial park, including 286,975 sq. ft. of warehousing, 171,000 sq. ft. of contractor condominiums, and 243,150 sq. ft. of mini storage, on 74 acres.

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

The proposed project is located within an Investment Level 2 area according to the 2004 Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. 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 development of this project in accordance with the relevant City codes and ordinances.

Street Design and Transportation

- DelDOT will require a traffic impact study (TIS) for this development.
- Park Avenue is classified as a collector road. 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 we will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- In addition to the rights-of-way mentioned above, the developer should provide a 15-foot wide permanent easement across the Park Avenue frontage for a future shared use path.

Natural and Cultural Resources

- It is recommended that a greater effort to preserve forested wetlands be made, not only due to the potential for rare species, but due to the value of this type of habitat to an array of plant and animal species.
- **In order to provide more informed comments and to make recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and to ensure that the project is environmentally sensitive. Please contact Bill McAvoy, Kitt Heckscher, or Robert Coxe at (302) 653-2880 to set up a site visit.**

- The developer should maintain a minimum 100-foot vegetated buffer from the edge of the wetland complex/forest edge.
- **Recommended Site Plan Changes**

In the absence of a site visit, DNREC recommends the following site plan changes which would reduce impacts to wildlife habitat and make this plan more environmentally sensitive:

1. Warehouse #3 and #4 will require filling of wetlands, removal of forested wetlands, and be within 100 feet of adjacent wetlands. It is recommended that these two features of the site plan be removed.
2. The stormwater management pond will require filling of wetlands and removal of trees. Because one of the functions of both trees and wetlands is flood control, it does not make sense to convert these environmental features into a stormwater management pond. DNREC recommends that this pond either be relocated, removed or an alternate method of stormwater management be employed that does not require wetland or forest impacts.
3. Forested wetlands can support an array of plant and animal species which inhabit the wetlands as well perimeter upland buffers. Therefore, we recommend that the proposed 50-foot wetland buffers be increased to at least 100 feet in width. In addition to providing wildlife habitat, buffers of 100 feet or greater serve to adequately protect water quality within the wetlands which could be degraded by run-off. This buffer width is especially important for a project such as this one which is proposing 48% impervious surface. There should be no structures or infrastructure within this buffer zone.
4. This project is proposing to remove over 25 acres of forest which can support an array of wildlife species. These species will have to disperse into the surrounding area, which can result in human/animal conflicts including interactions on the roadways. Further conflicts could result as this project is adjacent to lands of the Sussex County Airport. A greater effort to reduce the amount of trees to be removed should be made. This would entail downscaling the project, such as removing warehouse #3 & #4 as noted above.

5. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur April 1st to July 31st. This clearing recommendation would only protect those species during the breeding season; once trees are cleared the result is an overall loss of habitat.

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

Office of State Planning Coordination – Contact: Herb Inden 739-3090

The proposed project is located within an Investment Level 2 area according to the 2004 Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. 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 development of this project in accordance with the relevant City codes and ordinances.

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

Nothing is known within this parcel. Beers Atlas of 1868 shows the Jno. Messedo House near the railroad tracks either in or very close to this parcel, and the USGS 15' Millsboro 1917 topographic map definitely shows a building near the tracks within this parcel. There may be archaeological remains associated with this property. The area mainly has only a low potential for prehistoric-period archaeological sites, with a small area of high potential in the same area as the possible historic-period site. There is also a known archaeological site, the Geo. Wilson Site 1 adjacent to this parcel in the airport property, where the proposed connector road is shown.

Because this proposal includes buildings on wetlands, it is anticipated that this project will require an Army Corps of Engineers permit. If a permit is required, the developer will have to consult with this office. Depending on the area of potential effect as determined by the Corps, the developer may have to undertake some archaeological testing. We will be happy to assist the developer in this process; the contact person here for Corps projects is Craig Lukezic, who can be reached at 302-736-7400.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Messedo 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, and the developer may want to hire an archaeological consultant to check for the possibility of a cemetery here. The DHCA will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

In the event that a Corps permit is not required, the DHCA would appreciate the opportunity to examine the area near the railroad tracks to locate any site that may be there and learn something about its nature and extent prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT will require a traffic impact study (TIS) for this development. On June 14, 2006, responding to a Service Level Evaluation Request, DelDOT advised Sussex County that they did not recommend that a TIS be done for the subject conditional use application. A copy of that letter is enclosed.

DelDOT is reversing that decision for two reasons. First, they had understood from the developer that the warehouses were associated with the airport, and that the traffic associated with them would be primarily internal to the airport. However, the plan shows relatively direct access to the airport for only two of the four large warehouses. Most of the development traffic would necessarily use Park Avenue. Second, they had previously assumed that the proposed “contractor condominiums” would generate the same number of trips per square foot as warehousing. Again on examining the plan for the site, DelDOT believes the trip generation for this part of the development would be higher and that the subject development, as a whole, would meet the Average Daily Traffic Warrants for a TIS.

DelDOT recognizes that the County has accepted the developer’s conditional use application for this project on the basis of our June 14 letter. They are not asking that the County delay the processing of an application pending the results of a TIS. They will require the TIS as a condition for entrance approvals. Ideally, the TIS will be completed and reviewed in time for DelDOT to recommend specific road improvements that should be required as part of the conditional use approval. If that is not possible, they will recommend more general conditions requiring the developer to build such road improvements as DelDOT may find necessary to support the proposed development.

The developer's traffic engineer should contact Mr. Todd Sammons, of the Development Coordination Section, to schedule a scoping meeting for the study. Mr. Sammons may be reached at (302) 760-2134.

The balance of the June 14 letter, concerning the Runway Protection Zone and the Airport Nuisance Easement & Non-Suit Covenant, still applies.

- 2) Park Avenue is classified as a collector road. 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 we will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) In addition to the rights-of-way mentioned above, the developer should provide a 15-foot wide permanent easement across the Park Avenue frontage for a future shared use path.
- 4) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding specific requirements for access. Mr. Fiori may be reached at (302) 760-2260.

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

Recommended Site Plan Changes

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- removed or an alternate method of stormwater management be employed that does not require wetland or forest impacts.
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Soils

Based on the Sussex County soil survey update Ingleside, Hammonton, Pepperbox-Rosedale complex, and Hurlock were mapped in the immediate vicinity of the proposed construction. Ingleside is a well-drained upland soil that, generally, has few limitations for development. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Pepperbox-Rosedale complex is a moderately well-drained to well-drained soil that has moderate to few limitations for development. Hurlock 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 nontidal palustrine forested riparian wetlands, associated with the headwater reaches of Peterkin's

Branch, bisecting the central portion of subject parcel. Potential unmapped non-riparian wetlands are also likely in much of the southern forested one-half of this parcel.

These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. The developer should maintain a minimum 100-foot vegetated buffer from the edge of the wetland complex/forest edge. The developer should note that both DNREC and Army Corps of Engineers discourage allowing buildings and associated infrastructure to contain wetlands to minimize potential cumulative impacts.

As noted previously, this parcel contains SWMP-mapped headwater riparian wetlands. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system and/or water bodies further downstream. Since such streams are a major avenue for nutrient-laden stormwater and sediment runoff their protection deserves the highest priority. In recognition of this concern, the Watershed Assessment Section strongly recommends the applicant consider preserving the existing riparian buffer in its entirety. Otherwise, a 100-foot minimum upland buffer from all water bodies (including all ditches) and wetlands is strongly recommended. Studies have shown that an upland buffer width of at least 100 feet is the minimum buffer width necessary to mitigate impacts from development.

Wetland Permitting Information

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. Please note that impacts to palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763.

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.

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) 739-9943 to schedule a meeting.

Impervious Cover

Based on the calculated surface imperviousness figure provided by the applicant (from the PLUS application), post-development construction activities will render at least 48% of this parcel's surface area as impervious. Given the scope and density of this project, however, this estimate will likely underestimate the amount of projected surface imperviousness and its associated environment impacts. The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the calculation. The applicant should verify and recalculate (if necessary) whether their calculation includes all said forms of constructed surface imperviousness.

Since studies link increases in impervious cover to decreases in water quality, the applicant is strongly encouraged to pursue best management practices (BMPs) that can 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 preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

ERES Waters

This project is located adjacent to receiving waters of the Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 5.6.3.5 of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. 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. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project is located in the **high** nutrient reduction area requiring an 85 and 65 percent reduction in nitrogen and phosphorus, respectively.

Compliance with TMDLs through the PCS

As stated above Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. The TMDL calls for an 85% and 65% reduction in 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, increasing passive, wooded open space, and the use of innovative stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Water Supply

The information provided indicates that Tidewater Utilities will provide well water to the proposed projects through a central public water system. DNREC files reflect that Tidewater Utilities does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications 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

Standard Comments:

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 Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application 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.

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.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

All ponds are required to be constructed per Pond Code 378.

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

DNREC regulations require no more than 20 acres to be disturbed at more time. A phased erosion and sediment control plan and sequence of construction will be required.

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond

Please verify that the stormwater facilities have an adequate outlet. Discharging to an isolated wetland is not considered an adequate outlet. Please address.

If this project is located within a tax ditch watershed, the Sussex Conservation District requires an approval letter from DNREC's Drainage Section prior to Sediment and Stormwater approval.

Consideration should be made for any adjacent properties during the design of the project, including drainage and erosion/sediment control.

Open Space

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism.

Rare Species

DNREC has not surveyed this property; therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site that would be affected by project activities. They do have records of *Pseudotriton montanus* (mud salamander) in the vicinity and it could occur within the project site as this species inhabits forested wetlands.

It is recommended that a greater effort to preserve forested wetlands be made, not only due to the potential for rare species, but due to the value of this type of habitat to an array of plant and animal species.

Site Visit Request

In order to provide more informed comments and to make recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and to ensure that the project is environmentally sensitive. Please contact Bill McAvoy, Kitt Heckscher, or Robert Coxe at (302) 653-2880 to set up a site visit.

Plant Rescue

Since both woodlands and wetlands are to be destroyed, filled, or disturbed, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society's nursery. Plants will then be used in restoration projects and/or sold at the Society's annual native plant sale. This can be done at no expense or liability to the developer/landowner". Please contact Lynn Redding at (302) 736-7726, lynn_redding@ml.com or Bill McAvoy at (302) 653-2880, william.mcavoy@state.de.us.

Nuisance Waterfowl

If stormwater management ponds are still planned, they may attract waterfowl like resident Canada geese and mute swans that will create a nuisance for community residents. 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. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (at least 50 feet) around ponds, are not as attractive to

geese because they do not feel safe from predators and other disturbance when their view of the area is blocked. 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 proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

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

MFG Justin Tanks Inc, Facility # 5-000087, Project # S9509213

TAFQ (Thermal Amer. Fused QTZ.), Facility # 5-000785, Project # S9207176

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: 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 1500 gpm for 2-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 (Storage) 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 sqft aggregate will require automatic sprinkler protection installed.
- 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
- 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 Park Avenue 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 proposed development. The *Strategies for State Policies and Spending* encourages 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.

Delaware Economic Development Office – Contact: Gary Smith 739-4271

The Delaware Economic Development Office strongly supports the King Farm Industrial Park project. This property is contiguous to the current Sussex County Industrial Park and is a logical location for an expansion of the industrial park. Currently the Sussex County Industrial Park only has about two to three acres available the rest of the park has been built out employing approximately 1,100 individuals. Since this property is also near the flight path of the airport utilizing the area for residential just does not make sense. The Sussex County airport has a number of weekly flights of Boeing 737 business jets landing and taking off at the airport as part of the Pat's Aviation. If a subdivision should locate on the King Farm this could potentially impact airport operations.

Sussex County – Contact: Richard Kautz 855-7878

The drive fronting Proposed Warehouse #1 shows a width of 14 feet. The minimum driveway width allowed is 24 feet.

Add landscaping along Park Avenue frontage to screen parking.

A calculation of required and proposed parking should be added.

Interior sidewalks should connect with the DelDOT required shared use path.

The State Wetlands map indicates the possibility of wetlands impacting the location of proposed development and roads. Therefore a jurisdictional determination letter should be provided to support the proposed design for that area and that the layout does not contain any development in the wetlands. This letter should be obtained prior to the request for approval of any final plan.

The Sussex County Engineer Comments:

According to the PLUS application, the project will receive wastewater treatment from a public utility and lists Sussex County as the service provider. Sussex County operates a wastewater collection and transmission system that serves the Sussex County Airport. No agreements have been reached to provide wastewater services.

According to the PLUS application, Tidewater Utilities will provide water service to the project. On the PLUS PLAN included with the application however, the project shows a connection to the Sussex County Airport water system at the end of Baltimore Avenue. Sussex County (not Tidewater Utilities) owns and operates the water system in the Sussex County Airport. No agreements have been reached with Sussex County to provide water services.

The proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures. The Sussex County Engineer must approve the connection point. A sewer concept plan must be submitted for review and approval prior to construction plan approval. A checklist for preparing sewer concept plans was handed out at the meeting.

For questions regarding the above comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

This project is adjacent to The Sussex County Airport. Jim Hickin, Sussex County's Airport Project Engineer, provided the following comments:

1. All Buildings must be 42 ft or less in height, and shall not penetrate any existing or future 14 CFR Part 77 imaginary surfaces. Three proposed mini storage buildings do penetrate the future Runway Protection Zone (RPZ), however this is acceptable as long as buildings are not used for places of public assembly. (FAA Advisory Circular 150/5300-13)
2. The RPZ depicted does not match proposed Sussex County Airport RPZ, but does not represent a conflict. Future drawings should depict the correct RPZ.
3. All stormwater management facilities should be designed to minimize wildlife attraction. The FAA strongly recommends that off-airport stormwater management systems located within 10,000 feet of an air operations area be designed and operated so as not to create above-ground standing water. The FAA also recommends on-airport stormwater detention ponds be designed, engineered, constructed, and maintained for a maximum 48-hour detention period for the design storm and remain completely dry between storms.

The County recommends this for the entire project, but particularly for the stormwater management facility closest to the extended runway centerline. (FAA Advisory Circular 150/5200-33A)

4. The proposed site lighting shall not make it difficult for pilots to distinguish between airport lights and industrial park lights, result in glare in the eye of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Sussex County Zoning Ordinance, Art. XIX, Para 115-148) The actual lighting design should be coordinated with Jim Hickin, Sussex County Engineering Department.
5. The Project will require an FAA review in accordance with 14 CFR Part 77 to verify that proposed structures are not in conflict with airport imaginary surfaces. Also, there are possible penetrations (trees) to the FAA's 40:1 departure surface in the area along the County's rail spur into the County's Industrial Park, which will have to be removed. Please coordinate with Jim Hickin, Sussex County Engineering Department, who can assist with these actions.

Jim Hickin, Sussex County Airport Project Engineer, can be reached at 302 854-5033.

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