



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

January 30, 2007

Mark Davidson  
DC Group, LLC  
18072 Davidson Lane  
Milton, DE 19968

RE: PLUS review – PLUS 2006-12-02; Smith Tract

Dear Mr. Davidson:

Thank you for meeting with State agency planners on January 3, 2007 to discuss the proposed plans for the Smith Tract project to be located on the west side of Sussex County Road 48, 2400 ft. north of Road 48 and 321.

According to the information received, you are seeking a rezoning from AR-1 to C-1 to allow for a professional business park consisting of approximately 38 spaces totaling approximately 375,000 square feet of office/retail/warehouse 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 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 within a Level One area in accordance to the *Strategies for Policy and Spending*. In addition, the proposed project falls within the future growth area of the Town of Georgetown and the project as proposed is consistent with the land use practices currently occurring within the area. This office has no objection to this project at this time; however, if the project is planned to be annexed by the town, we encourage the developer to work with this office and the town to implement a necessary plan of services and comp plan amendment to the town's comprehensive land use plan. Also, the State would encourage the developer to work with the local neighbor's as the project comes to development. We commend the applicant for their efforts with the adjacent church and do would encourage the developer to the same with the nearby Sussex Correctional Center to avoid any conflicts.

### **Street Design and Transportation**

- DelDOT understands that the parcel that would be created on Zoar Road north of the existing church property may be given to the church. If the use of that parcel required a separate entrance on Zoar Road or significantly increased the volume of traffic using the church's existing entrance, the church would need to obtain an entrance permit.
- Zoar Road is 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 they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will also require a 15-foot wide permanent easement across the frontage of the site for a future 10-foot wide shared use path, and possibly the construction of that path. The developer should contact Mr. Fiori, for specific requirements in this regard.
- A traffic impact study will be required for the proposed development.

- The developer should anticipate a requirement to improve Zoar Road to meet DelDOT's local road standards.
- With such a large area of impervious surface being created, DelDOT suggests that mitigation measures such as rain gardens and increased landscaping of parking areas be considered.

### **Natural and Cultural Resources**

- A wetlands delineation with a jurisdictional determination and a State of Delaware Subaqueous Lands jurisdictional determination are needed. A State of Delaware permit may be needed for a road crossing.
- It is also recommended that the Farm Services Agency of the USDA be contacted to assess if any farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands."
- The Water Supply Section recommends that the portion of the new development within the wellhead protection area not exceed 50% impervious cover (DNREC, 2004). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water supplies.
- This project is located within the McGee Tax Ditch that has existing tax ditch rights-of-way. While changes were made to the tax ditch right-of-way on the property, there appears to be a 250-foot tax ditch right-of-way in the area of the proposed pond and the lands of Glen F. Scott Jr. The applicant is encouraged to continue to work with the DNREC Drainage Program and the McGee Tax Ditch to resolve any issues of tax ditch right-of-way. Contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930.

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

### **Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The proposed project is within a Level One area in accordance to the *Strategies for Policy and Spending*. In addition, the proposed project falls within the future growth area of the Town of Georgetown and the project as proposed is consistent with the land use practices currently occurring within the area. This office has no objection to this project at this time; however, if the project is planned to be annexed by the town, we encourage the developer to work with this office and the town to implement a necessary plan of

services and comp plan amendment to the town's comprehensive land use plan. Also, the State would encourage the developer to work with the local neighbor's as the project comes to development. We commend the applicant for their efforts with the adjacent church and do would encourage the developer to the same with the nearby Sussex Correctional Center to avoid any conflicts.

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

Nothing is known on this parcel. Beers Atlas of 1868 shows the A. Marvel Est. House here, and the 1917 USGS 15' Millsboro topographic map shows two houses on the road within the parcel. There may be archaeological remains here relating to these houses. There is only a small area with a medium potential for a prehistoric-period archaeological sites.

The developer will probably be required to get an Army Corps of Engineers permit for the wetland crossing. In this case, the developer will be required to consult with this office under Section 106 of the National Historic Preservation Act of 1966 and may be required to conduct archaeological testing, depending on the area of the permit. We will be happy to assist the developer through this process.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Marvel 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 if this development is approved. The DHCA would have to have a copy of any archaeological report done for this purpose. They will be happy to discuss these issues with the developer.

The DHCA would like the opportunity to examine the area prior to any ground-disturbing activities, to see if there are in fact any archaeological sites on the parcel and to learn something about their location, nature, and extent.

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

- 1) DelDOT understands that the parcel that would be created on Zoar Road north of the existing church property may be given to the church. If the use of that parcel required a separate entrance on Zoar Road or significantly increased the volume of traffic using the church's existing entrance, the church would need to obtain an entrance permit. Our Subdivision Manager for Sussex County,

- Mr. John Fiori, may be contacted as necessary with any questions in this regard. Mr. Fiori may be reached at (302) 760-2157.
- 2) Zoar Road is 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 they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
  - 3) DelDOT will also require a 15-foot wide permanent easement across the frontage of the site for a future 10-foot wide shared use path, and possibly the construction of that path. The developer should contact Mr. Fiori, for specific requirements in this regard.
  - 4) A traffic impact study will be required for the proposed development. On November 2, 2006, a meeting was held to set the scope of work for that study. A copy of the minutes of that meeting is enclosed.
  - 5) The developer should anticipate a requirement to improve Zoar Road to meet DelDOT's local road standards. This requirement includes but is not limited to 11-foot lanes and 5-foot shoulders. Generally DelDOT requires this sort of improvement only within the limits of the site frontage, but depending on the results of the traffic impact study improvements further removed from the site may be necessary.
  - 6) With such a large area of impervious surface being created, DelDOT suggests that mitigation measures such as rain gardens and increased landscaping of parking areas be considered.
  - 7) The developer's site engineer should contact Mr. Fiori regarding specific requirements for entrance improvements.

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

### **Soils**

Based on the Sussex County soil survey update, Ingleside, Hambrook, Hurlock and Mullica were mapped on subject parcel. Ingleside and Hambrook are well-drained uplands soils that, generally, have few limitations for development. Hurlock and Mullica

are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development.

A majority of the soils mapped on this parcel (estimated 70%) are hydric Hurlock and/or Mullica soils. Hydric soils typically have a seasonal high water table at or near the soil surface (within one-foot of soil surface or less). Building in such soils is likely to leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding, especially during extended periods of high-intensity rainfall events such as tropical storms/hurricanes or "nor'easters." This is in addition to increased flooding probabilities from surface water runoff emanating from future created forms of structural imperviousness (roof tops, roads, and sidewalks). It is strongly recommended that the applicant avoid these soils.

### **Wetlands**

A wetlands delineation with a jurisdictional determination and a State of Delaware Subaqueous Lands jurisdictional determination are needed. A State of Delaware permit may be needed for a road crossing.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess if any farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the U.S. Army Corps of Engineers (USACE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA; she can be reached at 678-4182.

### **Impervious Cover**

Based on information presented in the PLUS application and additional informational updates provided by the applicant's consultant via email correspondence through Dorothy Morris, the project's post-construction surface imperviousness and open space were projected at 58% and 42%, respectively. However, given the scope and density of this project, these calculations are likely in error. That is, surface imperviousness is likely significantly higher and open space significantly lower than the applicant's submitted estimates seem to suggest. Therefore, the following should be considered in the finalized calculation of surface imperviousness and/or open space.

1. Stormwater management areas should not be included in the open space calculation. The use of stormwater management areas to meet the County's open space requirements artificially lowers the amount of this project's post-development acreage of surface imperviousness and, ultimately, understates its environmental impacts.
2. The applicant should also realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) be included in the calculation of surface imperviousness. It was unclear from the information submitted whether the applicant considered all of these forms in their calculation.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its 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 help 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. A Total Maximum Daily Load (TMDL) is the maximum level of pollution for which a water quality limited water body can assimilate without compromising use and recreational goals such as swimming, fishing, drinking water, and shell fish harvesting.

### **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. The TMDL calls for an 85% and 65% reduction in nitrogen and phosphorus from baseline conditions, respectively. A Pollution Control Strategy (PCS) will provide the regulatory framework for achieving them. 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, and use of innovative 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 water will be provided to the project by The Town of Georgetown via a public water system. DNREC files reflect that The Town of Georgetown 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. Since an on-site public well be needed, it must be located at least 150 ft. 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 me, Rick Rios, at 302-739-9944.

### **Water Resource Protection Areas**

The Water Supply Section has determined that it falls largely within a wellhead protection area for Georgetown Water (see following map and attached map). Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where the quantity and quality of ground water moving toward these wells may be adversely affected by land use activities.

The Water Supply Section recommends that the portion of the new development within the wellhead protection area not exceed 50% impervious cover (DNREC, 2004). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water supplies.

The proposed project will change the land use from cropland to commercial space, specifically office/retail and mini storage. The Applicant showed the change in impervious surface as 'To Be Determined'. A review of the site plan indicates that the amount of impervious surface is well over the 50% threshold.

The change from cropland to the proposed commercial use will introduce petroleum hydrocarbons that are associated with commercial land use (DNREC, 1999). The Source Water Assessment Report for Georgetown Water shows that this well draws from an unconfined aquifer and has a rating of moderately susceptible to contamination with a high vulnerability rating (DNREC, 2003). This development as proposed has the potential to increase these ratings and may cause the system to exceed drinking water standards.

The proposed site plans show the use of Bio-filtration basins for storm water management within the wellhead protection area. If a problem were to occur in the storm

water system that released contaminants, they would pose a likely threat to the quality of water drawn by Georgetown Water from this well.

In addition, because the wellhead protection area may be the source of public drinking water, 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.

Delaware Department of Natural Resources and Environmental Control. (1999). *The State of Delaware Source Water Assessment Plan*: Dover, DE, p. 301.

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

Department of Natural Resources and Environmental Control. (2003). *Public Water Supply Source Water Assessment for Georgetown Water*. p.39.

Delaware Department of Natural Resources and Environmental Control (2005): *Source Water Protection Guidance Manual for the Local Governments of Delaware*: Dover, DE. 144 p.

[http://www.wr.udel.edu/publications/SWAPP/swapp\\_manual\\_final/swapp\\_guidance\\_manual\\_final.pdf](http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf)

**Map of the Smith Tract as it impacts the wellhead protection area. The dark red area shows the wellhead protection area.**



### **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 Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 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 must be given first consideration for stormwater quality management. Each stormwater management facility should have an adequate outlet for release of stormwater.

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.

### **Drainage**

This project is located within the McGee Tax Ditch that has existing tax ditch rights-of-way. While changes were made to the tax ditch right-of-way on the property, there appears to be a 250-foot tax ditch right-of-way in the area of the proposed pond and the lands of Glen F. Scott Jr. The applicant is encouraged to continue to work with the DNREC Drainage Program and the McGee Tax Ditch to resolve any issues of tax ditch right-of-way. Contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930.

The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The applicant is

requested to contact Brooks Cahall with the DNREC Drainage Program at (302) 855-1930 regarding the discharge of stormwater into a tax ditch.

All drainage easements and tax ditch rights-of-way should be recorded on deeds. The Drainage Program requests placing restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction.

### **Nuisance Geese**

The applicant indicated that nuisance geese would be considered in the planning of this project but methods of control were not indicated. Wet ponds planned for the subdivision may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, 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 a reduction in the number and/or size of the ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

### **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. (Mercantile)
  - Where a water distribution system is proposed for the site, 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.
- All structures over 2,500 sq.ft. aggregate used as “mini storage” occupancies 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 the main roadway 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.
- 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 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 in Investment Level 1.

If this project is not annexed into Georgetown, Section 1, Chapter 99, Code of Sussex Section 99-6 may apply to this subdivision. The applicant should verify the applicability of this provision with Sussex County. This Section of the Code states:

G. Agricultural Use Protections.

- (1) Normal agricultural uses and activities conducted in a lawful manner are preferred. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land uses adjacent to land used primarily for agricultural purposes shall be subject to the following restrictions:
  - (a) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

“This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can

be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”

(b) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes no improvement requiring and occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

### *Right Tree for the Right Place*

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

### *Native Landscapes*

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

### **Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 739-4658**

This proposed development is within the Indian River School District. This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. The DOE has no objections or comments regarding this commercial/industrial rezoning and development proposal.

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".

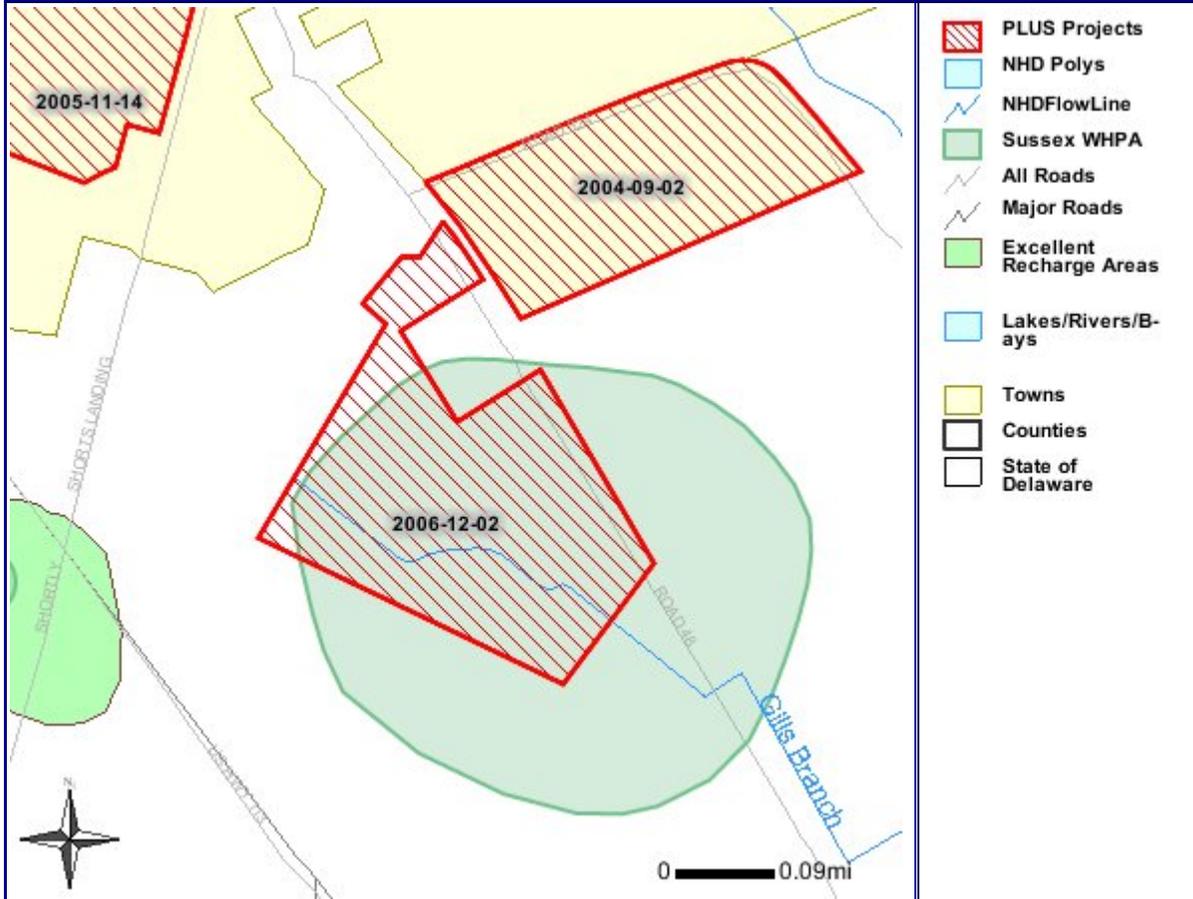
Constance C. Holland, AICP  
Director

CC: Sussex County



# Smith Tract

2006-12-02



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





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.  
SECRETARY

**MEMORANDUM**

**TO:** File

**FROM:** Troy Brestel, Project Engineer TB

**DATE:** November 6, 2006

**SUBJECT: Smith Property  
Minutes of Traffic Impact Study (TIS) Scoping Meeting 11/2/06**

**ATTENDANCE:** John Fiori, DelDOT Planning  
Troy Brestel, DelDOT Planning  
D.J. Hughes, Davis, Bowen & Friedel, Inc.  
Mark Davidson, Design Consultants Group, L.L.C.  
Rodney Smith, Developer

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**Background and Discussion**

The developer seeks to develop a 375,300 square-foot business park (105,600 square feet of specialty retail center space, 16,900 square feet of office space, 122,800 square feet of mini-storage space, and 130,000 square feet of warehouse space) on a 40.00-acre parcel (Tax Parcel 1-35-23.00-18.00). This parcel is zoned AR-1 in Sussex County. The developer proposes to rezone the land to C-1 within Sussex County.

The land is located on the west side of Zoar Road (Sussex Road 48), east of US Route 13, and north of Wood Branch Road (Sussex Road 321). There is one access point proposed, which will be located along Zoar Road.

**Cases to be Evaluated**

The study shall evaluate the weekday morning and evening peak hours for the following situations:

- 1) Existing (2006);
- 2) 2015 without development; and
- 3) 2015 with full development.

### **Facilities to be Evaluated**

The TIS should evaluate conditions at the following intersections for capacity and level of service using the Highway Capacity Software (HCS). It should also evaluate the extent to which they meet the relevant DelDOT, AASHTO and MUTCD standards for geometry and traffic control devices.

- 1) Zoar Road (Sussex Road 48) / Site Entrance
- 2) Arrow Safety Road (Sussex Road 87) / South Bedford Street (Sussex Road 431)
- 3) Arrow Safety Road (Sussex Road 87) / US Route 113
- 4) Park Avenue (Sussex Road 318) / South Bedford Street (Sussex Road 431)
- 5) Zoar Road (Sussex Road 48) / South Bedford Street (Sussex Road 431)
- 6) Zoar Road (Sussex Road 48) / Sussex Pines Road (Sussex Road 324)
- 7) Zoar Road (Sussex Road 48) / Wood Branch Road (Sussex Road 321)
- 8) Wood Branch Road (Sussex Road 321) / Kruger Road (Sussex Road 321) / US Route 113
- 9) US 113 / Speedway Road (Sussex Road 325) / Almshouse Road (Sussex Road 325)
- 10) Speedway Road (Sussex Road 325) / Wood Branch Road (Sussex Road 321)

### **Traffic Counts**

The Consultant should count traffic **and pedestrians** from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. on a Tuesday, Wednesday, or Thursday to determine when the peaks occur.

The traffic counts should be submitted to DelDOT both electronically as PETRA/Excel files and as draft report figures showing peak hour volumes (labeled with date and peak hour interval) posted on diagrams of the road network.

The Consultant should include counts of pedestrians, a separate count of right-turn on red (as opposed to right-turn movement counts), and a separate count of heavy vehicles.

The Consultant should be alert for events affecting the traffic counts, such as accidents or nearby construction and shall inform me of any such events when submitting the counts. As necessary, I reserve the right to reject the counts or require adjustments to them.

**Trip Generation** should be done using the 7<sup>th</sup> edition of the ITE Trip Generation report.

**Trip Distributions** for the proposed and committed developments should be submitted with the traffic counts.

### **Growth Factors and Committed Developments**

The Consultant shall apply growth factors to the traffic counts. I will develop those factors after I receive the Consultant's traffic counts.

The Consultant should also determine what portions of the following developments were complete at the time of any traffic counts to be used in the study and shall add in projected traffic from any unbuilt portions. The following information on the amount and types of development associated with these projects is tentative and should be verified with Sussex County Planning and Zoning and the Town of Georgetown.

- 1) Scott Farm (338 single-family detached houses)
- 2) Oaks at Georgetown Site (mix of 79 single-family homes and duplexes, and 425 townhouses)
- 3) Hinson Property (61 single-family detached houses and a 105,000 square-foot shopping center)
- 4) KGB Properties (75,000 square foot office building)
- 5) King Farm Industrial Park (243,150 square feet of mini-storage, 286,975 square feet of warehousing, and a 176,000 square-foot business park)
- 6) Bedford Village (47 single-family detached houses, 40 townhouses, 8 condominiums, and a 30,000 square-foot specialty retail center)

**Highway Capacity Software**

The Consultant shall use the most recent version of the Highway Capacity Software (HCS) that implements the 2000 Highway Capacity Manual (HCM). Presently that is Version 4.1f or HCS+.

**Seasonal Adjustment Factors** for the roads in the study area are as follows:

Roads	October	November	December	January
Wood Branch Road (Sussex Road 321)	0.94	0.98	1.03	1.26
Zoar Road (Sussex Road 48)	0.94	0.98	1.03	1.26
South Bedford Street (Sussex Road 431)	0.94	0.98	1.03	1.26
Arrow Safety Road (Sussex Road 87)	0.94	0.98	1.03	1.26
US Route 113	1.04	1.04	1.11	1.29
Park Avenue (Sussex Road 318)	0.94	0.98	1.03	1.26
Speedway Road / Almshouse Road (Sussex Road 325)	0.94	0.98	1.03	1.26
Sussex Pines Road (Sussex Road 324)	0.94	0.98	1.03	1.26
All Other Roads	1.00	1.00	1.00	1.00

### **DeIDOT Projects**

Currently, there is one project in the area, which is the US 113 North / South study. The Consultant shall contact Mr. Monroe Hite, Sussex County's Project Manager, for the US 113 North / South study, shall become familiar with the project, discuss within the TIS and account for it as necessary in the analyses of future conditions. He can be reached at (302) 760-2120.

### **Sussex County Projects**

Currently, there is one project in the area, which is the realignment of Park Avenue due to a runway extension for Sussex County Airport. The Consultant shall contact Mr. Jim Hickins, Sussex County's Project Manager, for the project "Park Avenue Realignment," shall become familiar with the project, discuss within the TIS and account for it as necessary in the analyses of future conditions. He can be reached at (302) 855-7718.

### **Transit, Bicycle, and Pedestrian Facilities**

The study should describe the existing and proposed transit service in the project area and should also describe the existing and needed transit, bicycle, and pedestrian facilities on or near the project site. In determining these items, the Consultant shall contact Mr. David Dooley, a Service Development Planner at the Delaware Transit Corporation (DTC), and Mr. Joseph Cantalupo, Assistant Director for Statewide & Regional Planning. Mr. Dooley may be reached at (302) 576-6064. Mr. Cantalupo may be reached at (302) 760-2121.

### **General Notes**

- 1) The Consultant shall assume an ideal saturation flow rate of 1,900 pcphgpl for all signalized intersections.
- 2) The Consultant shall calculate the peak hour factors for existing conditions. Where no increases in volumes are projected, the Consultant shall use those observed peak hour factors for future conditions as well. Where increases in volumes are projected, the Consultant shall use peak hour factors of 0.88 or 0.92, in accordance with the Highway Capacity Manual, except that higher values may be used where they are observed to already exist. The Consultant shall calculate all peak hour factors by lane group.
- 3) The Consultant shall use default lane utilization factors for all signalized intersections.
- 4) The Consultant shall contact Mr. James Clacher, of DeIDOT's Transportation Management Center (TMC), to obtain advance approval for the use of any signal timings. Mr. Clacher may be reached at (302) 659-2403.
- 5) DeIDOT reserves the right to change this scope of work if the study is not performed within a reasonable time.

Memorandum to File  
November 6, 2006  
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- 6) By copy of this memorandum I ask those copied to contact me at (302) 760-2167 regarding any significant errors or omissions.

TEB:km

cc: those in attendance

Ralph A. Reeb, Director of Planning

Michael H. Simmons, Assistant Director for Project Development South, DOTS

Joseph Cantalupo, Assistant Director, Statewide & Regional Planning

Theodore G. Bishop, Assistant Director, Development Coordination

Marc Cote, Subdivision Engineer, Development Coordination

T. William Brockenbrough, Jr., County Coordinator, Development Coordination

William J. Dryden, Project Developer, Project Development South, DOTS

Monroe Hite, Project Manager, DOTS

Thomas E. Meyer, Traffic Engineer, Traffic Section, DOTS

James Clacher, TMC Supervisor, Traffic Section, DOTS

David Dooley, Service Development Planner, Delaware Transit Corporation