



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

February 15, 2007

Mr. Roger Stanley
Larson Engineering, Inc.
2717 Pulaski Highway
Newark, DE 19702

RE: PLUS review – PLUS 2007-01-04; Stillman Glade, LLC

Dear Mr. Stanley:

Thank you for meeting with State agency planners on January 24, 2007 to discuss the proposed plans for the Stillman Glade project to be located between US 113 and DE. 1, just south of Capital Park near Dover.

According to the information received, you are seeking rezoning of 3.3 +/- acres from RS-1 and BN to BG for the purpose of constructing a 48,665 sq. ft. hotel and a 3750 sq. ft. restaurant. This PLUS review is for the rezoning application, the site plan and the comprehensive plan amendment that will be required should Levy Court choose to rezone this property.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- This project is located in Investment Level 3 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Our office has no objections to the proposed rezoning and development of this parcel in accordance with the relevant County codes and ordinances.

Street Design and Transportation

- Bay Road is classified as a minor arterial 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 minor arterial roads. Where there is a median, as in this instance, that distance is measured from the inside edge of the travelway. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- DelDOT will also require that a 15-foot wide permanent easement be provided across the frontage of the site for a future 10-foot wide shared use path.
- Because the site entrance will be at the signalized intersection of Bay Road and Lafferty Lane, the developer will need to enter a signal agreement obligating them to cover the cost of any necessary changes to that signal.

Natural and Cultural Resources

- The project information sheets state that The City of Dover will be used to provide public water for the proposed project. Our records indicate that the project located on parcel identification # ED 86.00-01-16.01 is located within the

public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity number 04-CPCN-04, yet on the other parcels of the project (parcel 04.00 & 03.00) public water service is not available. It is recommended that the developer contact Artesian Water Company to determine the availability of public water

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

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

This PLUS review includes a comprehensive plan amendment, a rezoning request, and a site plan for a hotel and restaurant. The rezoning of this property is at the discretion of Kent County Levy Court. Should the Levy Court ultimately choose to grant this rezoning request, the comprehensive plan amendment must be adopted prior to or concurrently with the zoning change.

This project is located in Investment Level 3 according to the *State Strategies for Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas, but please be advised that the State may have other priorities in the near term future. Our office has no objections to the proposed rezoning and development of this parcel in accordance with the relevant County codes and ordinances.

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

This parcel was included in the cultural resource surveys for the Route 1 corridor. There are no archaeological sites here. Of the two houses on the parcel one appears to date to the 1930s. The DHCA would like to document this house prior to any demolition activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Bay Road is classified as a minor arterial 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 minor arterial roads. Where there is a median, as in this instance, that distance is measured from the inside edge of the travelway. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.

- 2) DelDOT will also require that a 15-foot wide permanent easement be provided across the frontage of the site for a future 10-foot wide shared use path.
- 3) Because the site entrance will be at the signalized intersection of Bay Road and Lafferty Lane, the developer will need to enter a signal agreement obligating them to cover the cost of any necessary changes to that signal. The developer should contact Mr. Paul Castellano in our Traffic Studies Section about this agreement. Mr. Castellano may be reached at (302) 659-2029.
- 4) Presently, the subject land is surrounded by State rights-of-way on all sides. The land wrapping around the south side is shaped in the manner of a loop ramp from southbound Route 13 to northbound Route 1, and when Route 1 was being planned, such a ramp in this general area was considered. However, DelDOT presently has no plans to build that ramp and the location of this right-of-way is undesirable given the present location of Lafferty Lane. While they have no plans to abandon the rights-of-way they own, the applicant should not assume that DelDOT will use them for a ramp. When a ramp in this area becomes necessary, DelDOT will examine all reasonable alternatives, including the use of this right-of-way, but including other options as well.
- 5) DelDOT understands that the developer may be seeking annexation into the City of Dover. DelDOT has different managers handling plan reviews in Dover and Kent County. As appropriate, the developer's site engineer should contact either the Subdivision Manager for the City of Dover, Mr. Richard Woodhall, or the project manager for Kent County, Mr. Brad Herb, regarding specific requirements for streets and access. Mr. Woodhall may be reached at (302) 760-2262. 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 update, Udorthents were mapped in the vicinity of the proposed construction. Udorthents is a soil type soil or soil mapping unit that has been subjected to extensive filling and grading activities and does not meet conventional characterization as a naturally-occurring soil type with a common soil drainage class and/or range of similar soil properties. However, it is not likely that these soils should have limitations associated with a high water table in this area.

Drainage

The Drainage Program requests the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project.

Have all drainage easements recorded on deeds. Place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

Sediment and Stormwater

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.
4. All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded by Kent County.

5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site.
2. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to re-recording will be provided once the detailed Sediment and Stormwater Management plan has been re-approved.
5. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.
6. A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the NOI fee prior to plan approval.
7. The proposed method of stormwater management for the site in the application is listed as stormwater wet ponds and bioretention. All ponds constructed for stormwater management must be designed and constructed in accordance with the USDA NRCS Small Pond Code 378, dated Sept 1990, as approved for use in Delaware. This project is located in an impaired watershed, therefore additional stormwater quality practices may be required by the plan approval agency. DNREC prefers the use of Green Technology BMPs (GTBMPs) for water quality protection. GTBMPs typically rely on natural vegetation and minimal disturbance and minimal reliance on structural components. They may be constructed to promote the natural hydrologic process. Examples include, but are not limited to vegetative infiltration, riparian buffer plantings, bio-retention areas, vegetative flow conveyance, as well as recharge and surface storage in undisturbed areas.

8. The anticipated outlet locations for stormwater generated on this site is a 30" culvert running west under Rt 1. Will need concurrence from DelDOT to tie into existing culvert.
9. The St. Jones River watershed is designated due to existing water quality and quantity problems and has a promulgated TMDL for nutrients and bacteria. This parcel falls in the St. Jones Watershed. The Department and/or the plan approval agency may require additional BMPs to be implemented to meet water quality targets. [REF: 10.3.5 DE Sediment and Stormwater Regs].

Water

The project information sheets state that The City of Dover will be used to provide public water for the proposed project. Our records indicate that the project located on parcel identification # ED 86.00-01-16.01 is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity number 04-CPCN-04, yet on the other parcels of the project (parcel 04.00 & 03.00) public water service is not available. It is recommended that the developer contact Artesian Water Company to determine the availability of public water. Any questions concerning CPCN's should be directed to the Public Service Commission at 302-739-4247. 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 well(s).

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.

Impervious Surfaces and BMPs

Based on a review of the PLUS application, post-development surface imperviousness is estimated to be about 54 percent. However, given the scope and density of this project, this estimate is likely an **underestimate** (appears significantly higher). The applicant should realize that all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, and roads) should be included in the calculation of surface imperviousness. It is strongly recommended that the applicant recalculate surface imperviousness by including the preceding forms of constructed surface imperviousness in their finalized calculation for surface imperviousness.

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.

The developer is encouraged to utilize pervious pavers in overflow parking areas in order to reduce impervious surface and protect water quality. This practice is allowed in the County. If the property is annexed into the City of Dover, there may be an issue with this practice.

TMDL reduction requirements

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the St. Jones watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" 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. In the St. Jones watershed, a post-development TMDL reduction level of 40 percent will be required for both nitrogen and phosphorus. Additionally, a post-development TMDL reduction level of 90 percent will also be required for bacteria.

TMDL compliance through the PCS

As stated above Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the St. Jones Watershed. The TMDL calls for a 40 percent reduction in nitrogen and phosphorus from predevelopment or baseline conditions. Additionally, the TMDL calls for a 90 percent reduction in bacteria. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria 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 stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Rare Species

A review of the database indicates that currently there are no records of state-rare or federally listed plants, animals or natural communities at or adjacent to this project site.

SIRB Site

One SIRB site was found within a half mile radius of the site. Dover Air Force Base (DE-031) is west of the proposed site. Volatile organic compounds and heavy metals were detected in surface water on-site. The site is currently under remediation. DNREC recommends public water use. Also, no salvage yards were found within a one half mile radius of this site. Contact Babatunde I. Asere at 302-395-2600 for further information.

State Fire Marshal's Office – Contact: R.T. Leicht 739-4394

- ❖ **If this project gets annexed into the City of Dover the City Fire Marshal would provide all technical review and assistance.**
- ❖ **This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.**

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. (Assembly and Townhouses)
- 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.
- 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 Bay 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(s) is/are 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: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning application. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

Right Tree for the Right Place

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

Native Landscapes

The 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

This is a commercial development with no apparent impact on educational infrastructure, capacity or demand. The DOE has no objections or comments regarding this commercial rezoning and site plan request.

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: Kent County
City of Dover