



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

February 21, 2007

Ms. Amanda Jones
Morris & Ritchie
18 Boulden Circle, Ste. 36
New Castle, DE 19720

RE: PLUS review – PLUS 2007-01-06; Berry Van Lines

Dear Ms. Jones:

Thank you for meeting with State agency planners on January 31, 2007 to discuss the proposed plans for the Berry Van Lines property project to be located on the southeast side of the intersection of DuPont Highway and Leipsic Road in Dover.

According to the information received, you are seeking a rezoning from C-4 to SC-2 for a shopping center consisting of several retail establishments totaling approximately 230,000 sq. ft.

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 the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

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 1 according to the *Strategies for State Policies and Spending*. This site is also located in the designated for commercial use in the City of Dover's certified comprehensive plan. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. 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

- Route 13 and Leipsic Road are classified as minor arterial roads. 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 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.
- There are five existing businesses that would abut the shopping center and should be granted cross access easements for connection to it: the Country Inn Suites hotel (under construction), Pugh's Service, Pizza Hut, the Ichiban Japanese restaurant, and Arby's. The plan as drawn lends itself to connections to the hotel and Pugh's Service, but redesign will be needed to provide for connections to Pizza Hut, Ichiban and Arby's. The plan should also allow for a future connection to Buckson Drive when the property separating them is developed.
- The proposed entrance on Route 13 will need to be evaluated relative to existing entrances nearby and the possible need to lengthen the right turn lane onto Leipsic Road. Also, DelDOT may require that the two east entrances on Leipsic Road be combined.

Natural and Cultural Resources

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

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

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

Nothing is known in this parcel. Historic maps show no development here, and the setting indicates only a low potential for a prehistoric-period archaeological site.

This project will not affect any historic resources.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) A traffic impact study (TIS) is in progress for this development. Based on the work products DelDOT has seen thus far, they expect to receive the study and review it this spring. Specific recommendations will follow from the review of that study, but based on a 2002 study for a somewhat larger development on this site, we expect that significant improvements will be needed at the intersection of Route 13 and Leipsic Road and lesser improvements will be needed to the south on Route 13 and to the east on Leipsic Road.
- 2) Route 13 and Leipsic Road are classified as minor arterial roads. 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 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.
- 3) There are five existing businesses that would abut the shopping center and should be granted cross access easements for connection to it: the Country Inn Suites hotel (under construction), Pugh's Service, Pizza Hut, the Ichiban Japanese

restaurant, and Arby's. The plan as drawn lends itself to connections to the hotel and Pugh's Service, but redesign will be needed to provide for connections to Pizza Hut, Ichiban and Arby's. The plan should also allow for a future connection to Buckson Drive when the property separating them is developed.

- 4) The proposed entrance on Route 13 will need to be evaluated relative to existing entrances nearby and the possible need to lengthen the right turn lane onto Leipsic Road. Also, DelDOT may require that the two east entrances on Leipsic Road be combined. They recommend that the developer's site engineer contact our Subdivision Manager for Dover, Mr. Richard Woodhall, regarding specific requirements for access before the preliminary TIS is prepared and submitted. Mr. Woodhall may be reached at (302) 760-2262.

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

Air Quality

The Department's Division of Air and Waste management had no specific comments. However, should the applicant have any specific questions regarding air and waste issues, the applicant should contact Philip Wheeler at (302) 739-9402, Philip.Wheeler@state.de.us.

Fish and Wildlife

Rare Species

The Division has never surveyed this site, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at or adjacent to this project site.

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. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) 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 proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Water Resources

The project information sheets state water will be provided to the project by The City of Dover via a public water system. DNREC records indicate that the project is located within the public water service area granted to The City of Dover under Certificate of Public Convenience and Necessity 90-CPCN-07.

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.

Potential Contamination Sources do exist in the area, and any well permit applications will undergo a detailed review that may increase the turnaround time and may require site specific conditions/recommendations. In this case there are: Underground Storage Tanks named Dover Amoco and Sunoco located within 1000' of the proposed project.

Should you have any questions concerning these comments, please contact me, Rick Rios, at 302-739-9944.

The DNREC Water Supply Section has reviewed the above referenced PLUS project and determined that it falls entirely within an excellent ground-water recharge area for the City of Dover (see attached map). The site plan shows a storm water management pond in the area of excellent recharge.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect the quality and quantity of ground water in these areas.

The construction phase of storm water management ponds requires excavation, hauling, and grading. The heavy equipment used in this phase has the capacity to compact and degrade the structure of the strata that defines the area as an excellent ground water recharge area. Changes to the structural soil properties may cause significant reduction in recharge capacity. Installing storm-water management ponds in excellent ground-water recharge areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer.

The DNREC Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless. A water balance calculation (environmental assessment) will be necessary to determine the quantity of clean water to be recharged via a recharge basin (Thorntwaite, 1957). 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 and surface water supplies.

The proposed development would change the impervious cover from 36 % to approximately 74 %. The developer on the PLUS application provided these numbers. A large percentage of this is parking and roadways. This land use produces petroleum hydrocarbons, other organics, metals, and other inorganics (DNREC, 1999). These contaminants associated with this land use could easily infiltrate the unconfined aquifer and compromise water quality.

The development as proposed exceeds DNREC recommendations. DNREC recommends a reduction in impervious cover to 50% and perform an environmental assessment. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis. Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water (Kauffman, 2005).

In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, 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.

References

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#investigations>

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

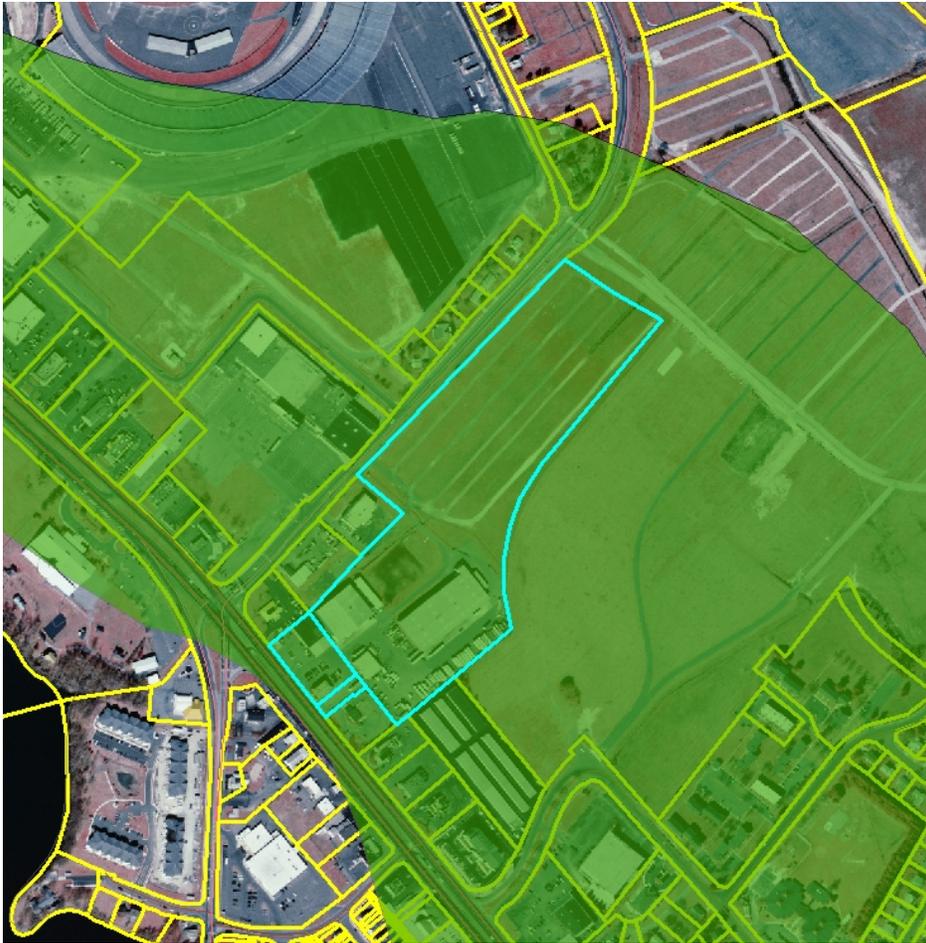
http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

Kauffman, G.J., Wozniak, S.L., and Vonck, K.J., 2005, *Delaware Ground-Water Recharge Design Manual*: Newark, DE, Water Resources Agency, University of Delaware, p. 31.

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

Thornthwaite, C. W., and Mather, J. R., 1957, Instructions and Tables for Computing Potential Evapotranspiration and the Water Balance, Volume x, Drexel Institute of Technology, Laboratory of Climatology.

Berry Van Lines (PLUS 2007-01-06) Excellent ground-water recharge potential area is highlighted in green. The parcel under review is outlined in light blue.



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

This State Fire Marshal's Office has no comments considering that this project falls within the City limits of Dover.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning application.

The entire site is located within an area designated as having "excellent" ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas

for the state, and an “excellent” rating designates an area as having important groundwater recharge qualities.

Senate Bill 119, enacted by the 141st General Assembly in June of 2001, requires the counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, the counties and municipalities are required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential 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.

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 Capital School District. This is a commercial development with no apparent impact on educational infrastructure, capacity or demand. The DOE has no objections or comments regarding this proposed commercial development.

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