



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

July 18, 2007

Mr. Ramesh Batta  
Ramesh Batta Associates, P.A.  
4600 New Linden Hill Road  
Wilmington, De 19808

RE: PLUS review – PLUS 2007-04-05; Bridgeville Commercial Gateway Center

Dear Mr. Batta:

Thank you for meeting with State agency planners on June 27, 2007 to discuss the proposed plans for Bridgeville Commercial Gateway Center project to be located along US. Route 13 at the intersection of Rifle Range Road, in Bridgeville.

According to the information received, you are seeking site plan approval through the Town of Bridgeville for a Commercial center totaling approximately 80,000 sq. ft. Specifically, this project will include sit-down and fast food restaurants, a convenience store, two hotels, a bank and a retail establishment.

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

## **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 OSPC has no objections to the proposed development given it is located within a Level Two investment area and is in compliance with the certified Town of Bridgeville Comprehensive Land Use Plan. This office does however; recommend the developer work with DNREC to address concerns raised regarding the amount of impervious surface found within this site. Considering the roads will be maintained by the town, the developer may consider using the additional pervious right-of-way spaced gained from lesser street dimension to allow for green technologies and improved water quality and quantity treatment practices. If you have any additional questions, please contact my office.

## **Street Design and Transportation**

Route 13 is a principal arterial road, Route 13A is a minor arterial road, and Rifle Range Road is a local road. DelDOT's policy is to require dedication of sufficient land to provide minimum right-of-way widths of 50 feet from the centerline on principal arterial roads, 40 feet from the centerline on minor arterial roads and 30 feet from the centerline on collector roads. Where there is a median, as there is on Route 13, the distance is measured from the inside edge of the travelway. Therefore we will require right-of-way dedication along the frontage to provide any additional width needed from this project.

The proposed development would normally warrant a traffic impact study (TIS). However, DelDOT acknowledges that the area roads have already been studied as part of other TIS. In lieu of a TIS, DelDOT is requiring a traffic operational analysis for the intersections immediately adjacent to the site. They recommend that the developer have their traffic engineer contact Mr. Troy Brestel of the DelDOT Planning office as soon as possible to discuss the content of that operational analysis. Mr. Brestel may be reached at (302) 760-2167. Without prejudging the results of that study, the developer should anticipate a requirement to improve part of Rifle Range Road to meet DelDOT's local road standards. Those standards include 11-foot lanes and 5-foot shoulders.

## **Natural and Cultural Resources**

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

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

The OSPC has no objections to the proposed development given it is located within a Level Two investment area and is in compliance with the certified Town of Bridgeville Comprehensive Land Use Plan. This office does however; recommend the developer work with DNREC to address concerns raised regarding the amount of impervious surface found within this site. Considering the roads will be maintained by the town, the developer may consider using the additional pervious right-of-way spaced gained from lesser street dimension to allow for green technologies and improved water quality and quantity treatment practices. If you have any additional questions, please contact my office.

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

There is nothing known in this parcel. Historic maps and photographs show that the earlier road ran through this parcel prior to the construction of Sussex Hwy. (Rt. 13). The nearest 19th-century farmstead was in the path of the highway. Given the recent construction and demolition of buildings here, there is not likely to be any intact archaeological resources remaining. This project will not have any effect on historic properties. However, road and building changes probably have disturbed area.

If you would like to discuss this information or other issues further, you are certainly welcome to contact the Division of Historical & Cultural Affairs at (302) 744-7400 ext.25

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

- 1) As further discussed below, this development was previously proposed in 2005, when the land was under County jurisdiction, and DelDOT issued a letter on April 9, 2005, to the effect that the proposed entrance locations were acceptable and that they did not object to the plan being recorded.
- 2) Route 13 is a principal arterial road, Route 13A is a minor arterial road, and Rifle Range Road is a local road. DelDOT's policy is to require dedication of sufficient land to provide minimum right-of-way widths of 50 feet from the centerline on principal arterial roads, 40 feet from the centerline on minor arterial roads and 30 feet from the centerline on collector roads. Where there is a median, as there is on

- Route 13, the 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) DelDOT is encouraged to see that the previously proposed service road is still shown on the plan. Route 13 and the properties along it are subject to DelDOT's Corridor Capacity Preservation Program (CCPP), which among other things requires service roads. One comment, which we believe was made in 2005, is that DelDOT will not accept this service road for State maintenance. When the plan was presented to us in 2005, it was reviewed by the manager of the CCPP, Mr. Charles Altevogt. DelDOT asks that the developer have their site engineer continue to coordinate with Mr. Altevogt in this regard. Mr. Altevogt may be reached at (302) 760-2124.
  - 4) DelDOT is pleased to see a good network of internal sidewalks proposed for the site. They anticipate requiring either a shared use path or sidewalks along Route 13A and Rifle Range Road as well. In deciding which to require, they would like to hear from the Town as to which type of facility better suits their plans for development in the area.
  - 5) The proposed development would normally warrant a traffic impact study (TIS). However, they acknowledge that the area roads have already been studied as part of other TIS. In lieu of a TIS, DelDOT is requiring a traffic operational analysis for the intersections immediately adjacent to the site. They recommend that the developer have their traffic engineer contact Mr. Troy Brestel of the DelDOT Planning office as soon as possible to discuss the content of that operational analysis. Mr. Brestel may be reached at (302) 760-2167. Without prejudging the results of that study, the developer should anticipate a requirement to improve part of Rifle Range Road to meet DelDOT's local road standards. Those standards include 11-foot lanes and 5-foot shoulders.
  - 6) The developer's site engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding specific requirements for access and off-site improvements. Mr. Fiori may be reached at (302) 760-2260.

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

**Soils**

According to the Sussex County soil survey update, Hambrook was mapped in the immediate vicinity of the proposed project. Hambrook is a well-drained upland soil that, generally, has few limitations for development.

**Impervious Cover**

Based on the information provided in the PLUS application, post-construction surface imperviousness is estimated to reach 60 percent. However, given the scope and density of this project, said figure is likely a significant underestimate.

The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, stormwater management structures, and roads) should be included in the calculation for surface imperviousness; it was unclear from the submittal whether constructed surface imperviousness was comprehensively considered. Nonetheless, it is strongly recommended that the applicant include all of aforementioned forms of surface imperviousness in their finalized calculation for surface imperviousness. This will ensure a realistic assessment of this project's likely post-construction environmental impacts.

Studies have consistently shown a strong relationship between increases in surface imperviousness and subsequent declines in a watershed's water quality. It is strongly recommended, therefore, 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 greater Nanticoke watershed, and designated as having waters of 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). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs to meet 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 Nanticoke 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. In the greater Nanticoke watershed, “target-rate-nutrient reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, “target-rate-reductions” of 2 percent will be required for bacteria.

### **TMDL Compliance through the PCS**

As indicated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been proposed for the Nanticoke watershed. The TMDL calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria. A pollution control strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient 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 green-technology 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 the Town of Bridgeville will provide water to the proposed projects through a central public water system. DNREC files reflect that the Town of Bridgeville 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**

Prior to land disturbing activity greater than 5,000 square feet, and as soon as possible prior to site plan development if possible, the applicant should contact the Sussex Conservation District at (302) 856-7219, to schedule a pre-application meeting to discuss stormwater management and erosion and sediment control plans. Use of green technology practices and low impact development practices are recommended where feasible.

### **Drainage**

1. 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 Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.
2. Have all drainage easements recorded on deeds and 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.

For questions or clarifications, please contact Jim Sullivan at 739-9921.

### **Underground Storage Tanks**

There are no LUST site(s) located near the proposed project. 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.

### **Department of Agriculture - Contact: Scott Blaier 698-4500**

The Delaware Department of Agriculture has no objections to the proposed development. The project is located within the Town of Bridgeville, and the *Strategies for State Policies and Spending* encourage environmentally responsible development in Investment Level 2 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 735-4055**

This proposed development is within the Woodbridge School District. This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this site plan.

**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: Town of Bridgeville