



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

October 24, 2007

Mr. Manzoor Alam  
12374 S. DuPont Highway  
Felton, DE 19943

Re: PLUS review – PLUS 2007-09-02; Alam Property

Dear Mr. Alam:

Thank you for meeting with State agency planners on September 26, 2007 to discuss the proposed plans the parcel located next to your existing hotel at 12374 S. DuPont Highway near Felton.

According to the information received, you are seeking a rezoning of 1.326 acres from AC to BG to expand you existing hotel. This PLUS review is for both the rezoning application and the comprehensive plan amendment that will be required should Levy Court choose to rezone this property. This application was reviewed only for the rezoning. If the rezoning is approved and the expansion is greater than 50,000 square feet, you will be resubmitting an application through the Preliminary Land Use Service (PLUS) for the review of the site plan.

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 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.

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 both a comprehensive plan amendment and a rezoning request. 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 rezoning 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. 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 of this parcel in accordance with the relevant County codes and ordinances.

**Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685**

According to the historical resources and documents at the State Historic Preservation Office, there are no historic features, such as a National Register property, or Archaeological site on or within this parcel.

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.

Because of the nature of where this parcel is located there is a possibility that there still could be an un-discovered prehistoric or historic archaeological site on this parcel, or nearby. If any construction proceeds on this parcel, the State Historic Preservation Office of the Division of Historical & Cultural Affairs would like the opportunity to examine the area prior to any demolition or ground-disturbing activities, to see if there are any archaeological sites on it, in order to learn more information about this area in detail.

If you would like to discuss this information or other issues further, contact the State Historic Preservation Office Division of Historical & Cultural Affairs at (302) 744-7400 ext.25, and they will be more than happy to assist you.

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

- 1) On September 13, 2007, DelDOT wrote to Kent County to say that they do not recommend that a traffic impact study (TIS) be required. A copy of their letter is enclosed and it is still their recommendation. However, DelDOT recognizes that Kent County has more stringent warrants than they do for when such a study should be required. DelDOT recommends that you verify with the Kent County Department of Planning that they will not require a TIS. If one is required, the applicant should have their traffic engineer contact Mr. Troy Brestel from this office to arrange a scoping meeting. Mr. Brestel may be reached at (302) 760-2167.
- 2) Because the subject land is located on US Route 13, it is subject to DelDOT's Corridor Capacity Preservation Program (CCPP). The main goal of this program is to maintain the capacity of certain arterial highways, including the subject section of Route 13, to handle through traffic. As further discussed in their September 13 letter, the Program will permit the applicant to keep their access on Route 13 even with the proposed expansion. However, if they propose a further expansion or a different use that would generate more than 200 vehicle trips per day; they would have to find alternative access. Questions regarding the Program may be directed to our program manager, Mr. Charles Altevogt, at (302) 760-2124.
- 3) Apart from the CCPP, the proposed expansion would constitute a change in use. For this reason, a new entrance permit would be needed. It appears likely that a right turn deceleration lane would be needed, and with the present entrance location this lane would cross the frontage of the residential property north of the motel. Such a situation, while permissible as long as that property remains a residence, is undesirable and DelDOT may require that the entrance be moved. If the rezoning is approved, the applicant should have their site engineer contact the DelDOT Project Manager for Kent County, Mr. Brad Herb, regarding specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

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

**Water Resource Protection Areas**

The Water Supply Section has determined that the site falls entirely within an excellent ground water recharge area for Kent County (see following map and attached map).

Excellent ground-water recharge potential 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 is an “indicator of how fast contaminants will move and how much water may become contaminated” (Andres, 2004, pg 1). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect the quantity and quality of ground water beneath these areas.

The Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover (DNREC, 2005). 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.

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 provided the applicant submit an environmental assessment recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis (Kauffman, 2005).

The proposed development would change the impervious from 10% to a “yet to be determined” amount. The Developer on the PLUS application provided these quantifications. Ideally, locating any open space areas to the part of the parcel within the excellent ground-water recharge area would decrease the total impervious area. Augmenting the groundwater recharge with clean rooftop run-off systems are another alternative to maintaining the quality and quantity of water recharging the aquifer (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#nvestigations>

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 Alam Property (PLUS 2007-09-02) Excellent** ground-water recharge potential area shown in green. The parcel under review is outlined in blue.



### **Water Supply**

The project information sheets state that water will be provided to the project by an individual on-site well. Our records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be

obtained by contacting the Public Service Commission at 302-739-4247. Since an on-site public/miscellaneous public well will be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be located and constructed 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**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals. These items can be discussed the preapplication meeting. You may also get more information by contacting the Sediment and Stormwater Program at 302.739.9921 or visiting our website at <http://www.swc.dnrec.delaware.gov/SedimentStormwater.htm>.

## **Drainage**

1. The Drainage Program is aware of existing concerns associated with Spring Branch, shown on the plans as a ditch. Please contact the Kent Conservation District to discuss the probability of a downstream analysis for this project.
2. 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.
3. 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.
4. This project has the potential to enhance existing riparian buffers on this site to aid in the reduction of nutrients, sediment, and other pollutants entering the watershed. Please explore methods to filter excess nutrients in stormwater runoff from this site before releasing the stormwater into the Murderkill River watershed.

For questions or clarifications, please contact Jim Sullivan at (302) 739-9921.

### **State Fire Marshal's Office – Contact: Duane Fox 739-4394**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. **This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.**

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).

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

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

The entire project 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 141<sup>st</sup> 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. Please feel free to contact the Delaware Forest Service at (302) 698-4500 for more information.

*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 Lake Forest School District. This is a commercial/industrial rezoning request with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this rezoning 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