



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

January 29, 2008

Michael J. Henry  
Becker Morgan Group  
309 South Governors Avenue  
Dover, DE 19904

RE: PLUS review –2007-09-09; Delaware State University Commercial Center

Dear Mr. Henry:

Thank you for meeting with State agency planners on January 2, 2008 to discuss the proposed plans for the DSU Commercial Center project to be located at the southwest corner of the intersection of Route 13 and College Road.

According to the information received, you are seeking a rezoning of 17.84 acres from IO to SC-2 for the purpose of a 147,519 sq. ft. commercial shopping complex.

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*. 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.

### **Street Design and Transportation**

- 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.
- DelDOT recommends that the City require a permanent easement for the proposed sidewalks along Route 13 and State College Road.
- DelDOT recommends that the University provide for pedestrian traffic between the parking lots of the shopping center and agricultural museum.
- DelDOT will require a traffic impact study (TIS) for the proposed development.

### **Natural and Cultural Resources**

- The Water Supply Section, Ground Water Protection Branch (GWPB), has determined a significant portion falls within an excellent ground-water recharge area. 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 agrees that the 100 year base flood (1% chance flood) elevation is 20.0 ft NAVD 88. A 25-foot buffer from the floodplain is provided (required by the City); however, less than a foot of elevation protection is provided in the area of the bioswale. This would be the most important area to have at least a foot of protection. The 0.2% chance flood elevation is 23.7 ft NAVD 88. They are not in favor of a concrete plaza, because it would increase the amount of impervious cover.

- The forested riparian area on this site is part of the Fork Branch Natural Area and is also a State Resource Area. The road coming into the site looks like it will cut into this riparian area. To provide an adequate buffer and maintain the forest in total, the Land Protection Office urges the applicant to move the road to the north, away from the Natural Area/State Resource Area.

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

**Office of State Planning Coordination – Contact: Herb Inden 739-3090**

This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. 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. As we stated in our review of the comprehensive plan amendment (PLUS 2007-01-02), we have no objection to the comprehensive plan amendment that would allow this type of development.

That said, we do have some concerns about the project as it was presented at the PLUS meeting on January 2, 2008. There was a general impression by the reviewers that the project as it was presented did not take advantage of the truly unique character of the site. Our sense is that this project, if sensitively handled could be a showpiece of design that respects the environmentally sensitive nature of this location as well as the visual nature of this location along one of Delaware's more heavily traveled corridors. Also, in addition to enhancing a student's experience by supplying needed services in close proximity to the school, a well designed project could possibly add instructional value for certain university courses. As to the environmental concerns we suggest that you pay particular attention to the DNREC section of this letter.

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

There appears to be one known historic or cultural resource site on this parcel/property, and another known historic or cultural resource or site very close to this parcel/property. The historic and cultural resource site that appears to be on the parcel/property was a 20th-century house. The historic and cultural resource site that appears to be very close to the parcel/property is a known archaeological site (K-457; 7K-C-7), and it is north shore of Silver Lake, west of Route 13.

The developer should also be aware that this parcel/property is within the historic vicinity of Dover Hundred. According to the historic Beers Atlas/Map of 1868, there is evidence on the atlas/map that indicates that the vicinity of Little Dover does have some historical

areas. The developer should also be aware that it is a possibility that there could potentially be historic or cultural resources on this parcel/property because of the historical background of the area or vicinity. These historic or cultural resources could be archaeological resources such as be a cemetery, burial ground, unmarked human remains, or the parts or pieces or something demolished, destroyed, or ruined historically.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs recommends the prior to or before any demolition, ground-disturbing activities or construction on this parcel/property (project area) that the developer show review Chapters 53 and 54, in Title 7, of the Delaware State Code. Chapter 53 pertains to the discovery and disposition of “Conservation of Archaeological Resources In or On State Lands”. Chapter 54 pertains to the “Delaware Unmarked Human Remains Act of 1987”, such as the discovery and disposition of Unmarked Human Burials or Skeletal Remains”. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs also recommends that prior to or before any demolition, ground-disturbing activities, or construction that the developer should consider hiring an archaeological consultant to check or examine parcel/property thoroughly, and see if there is any evidence or indication of potential historic or cultural resources, or archaeological resources on it, such as a cemetery, burial ground, unmarked human remains, or the parts or pieces or something demolished, destroyed, or ruined historically. If the developer would like to discuss this information or recommendation in further detail, contact Mr. Terence Burns at State Historic Preservation Office of Division of Historic & Cultural Affairs at (302) 736-7400 ext.25.

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

- 1) US Route 13 through Dover and State College Road are both 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. On divided highways, such as Route 13, this distance is measured from the inside edge of the travelway, rather than from the actual centerline. Route 13 is wide enough in the area of this project that our requirement there is moot, but we will require right-of-way dedication along the State College Road frontage to provide any additional width needed from this project.
- 2) DelDOT recommends that the City require a permanent easement for the proposed sidewalks along Route 13 and State College Road.

- 3) DelDOT recommends that the University provide for pedestrian traffic between the parking lots of the shopping center and agricultural museum. As a practical matter, the two lots will likely be used as overflow parking during the Christmas shopping season and events at the museum. Planning for such use can preserve the landscaping of both properties.
- 4) Is the “proposed plaza” intended to be largely or entirely a paved area? If so, DelDOT is concerned about the amount of unnecessary impervious surface involved. If not, DelDOT recommends that a pedestrian connection be added between the ice cream shop and the bookstore.
- 5) DelDOT will require a traffic impact study (TIS) for the proposed development. The developer’s traffic engineer has met with representatives of our Traffic Section and the plan presented is consistent with their recommendations, but we will reserve judgment on the details of the proposed design pending the results of the TIS.
- 6) The developer’s site engineer should contact the DelDOT Subdivision Manager for the City of Dover, Mr. Natee Prasomsan, regarding requirements for access and site plan approval if they have not already done so. Mr. Prasomsan may be reached at (302) 760-2571.

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

With the amount of impervious cover being proposed and the project’s location in both an excellent recharge area and its proximity to Silver Lake, water quality impacts (drinking water, habitat, and recreational opportunities) are a serious concern. The University was recognized for its environmental stewardship when it was awarded the Governor’s Conservation Award in 1998 for its Stormwater quantity and quality control as required by the Delaware Sediment and Stormwater regulations for a growing university campus and, again, in 2003 for its Silver Lake Water Quality Forebay Project. The University serves as the convening organization for the St. Jones Tributary Action Team. The University’s stormwater management practices were highlighted during a Team field trip within the St. Jones watershed. The University also participates with the Delaware Water Resources Center, providing undergraduate and graduate research programs. Therefore, as a State-funded facility of higher education, and as an organization that has consistently demonstrated its commitment to protecting the environment and natural resources, Delaware State University should serve as a model for environmentally-friendly design.

## **Soils**

According to the Kent County soil survey update, Hambrook, Hambrook Urban-Land complex, and Downer was mapped in the immediate vicinity of the proposed construction. Hambrook and Downer are well-drained upland soils that, generally, have few limitations for development. Hambrook Urban Land complex is similar to Hambrook except that it has been extensively modified through filling and grading practices.

## **Wetlands**

According to the Statewide Wetland Mapping Project (SWMP) mapping, lacustrine wetlands bound the entire southern boundary of subject parcel, while a few small mapped areas of palustrine emergent and palustrine unconsolidated bottom wetlands were scattered throughout the parcel.

Impacts to Palustrine wetlands are regulated by the U.S. Army Corps of Engineers (USACE, or “the Corps”) through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Corps also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Management Program (DCMP) Section. Each of these certifications represents a separate permitting process. Please be advised that Nationwide permits have been suspended in Delaware and are pending further coordination with the Corps. Therefore, contrary to past practices, Coastal Zone Management approval can no longer be assumed. Individual certifications must be granted from the DCMP office for each project intending to utilize a Nationwide Permit. For more information on the Federal Consistency process, please contact the DCMP office at 302.739.9283. To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-9943 to schedule a meeting.

Based on a review of existing buffer research by Castelle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100-foot in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

## **Impervious Cover**

Based on a review of the PLUS application form, post-construction surface imperviousness was projected to reach 61 percent. However, given the projected scope and density of this project, this estimate appears to understate the actual amount of created surface imperviousness. When calculating surface imperviousness, it is important to consider all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, roads, and stormwater management ponds) in the calculation for surface imperviousness; otherwise, an inaccurate assessment of this project's environmental impacts will result. Therefore, surface imperviousness should be recalculated with all of the above-mentioned forms of constructed surface imperviousness included.

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.

## **TMDLs**

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 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 St. Jones watersheds, a post-development TMDL reduction level of 40% will be required for nitrogen and phosphorus. Additionally, a TMDL reduction level of 90% will be required for bacteria.

## **TMDL Compliance through the Pollution Control Strategy (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% reduction in nitrogen and phosphorus, while a TMDL reduction of 90% will be required for bacteria; both nutrient and bacteria reductions must be from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to meet the TMDL

requirements. Additional nutrient reductions may be possible through the implementation of BMPs such as wider vegetated buffers along watercourses/wetlands, increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. 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 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 exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case there are Hazardous Waste Generators (Atlantic Coast Environmental Inc. and Pep Boys) located within 1000 feet of the proposed project.

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

### **Water Resource Protection Areas**

The Water Supply Section, Ground Water Protection Branch (GWPB), has determined a significant portion falls within an excellent ground-water recharge area (see following map and attached map). There was no wellhead protection areas found. This parcel was reviewed in the City of Dover Comprehensive Plan Amendment (PLUS 2007-01-02).

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 excellent ground-water recharge area. The applicant must 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 0% to 61%. The Developer provided these percentages on the PLUS application form. This appears to be a gross underestimation of the impervious surface within the excellent ground-water recharge area (see map).

As stated in the City of Dover Comprehensive Plan Amendment 2007-01-02, this proposed change in land use from institutional to commercial with the intention of constructing a shopping center has the potential to harm the quantity and quality of the ground water beneath. In that review, Dover was encouraged to develop a source water protection ordinance to protect excellent ground-water recharge areas.

The City of Dover has since drafted a source water protection ordinance dated October 3, 2007. Delaware State University – Commercial Center (PLUS 2007-09-09) does not comply with the City’s draft nor is it in accordance with the draft’s intent.

GWPB recommends **all** the following conditions:

- Reducing impervious cover within that portion of the parcel within the excellent ground-water recharge area to less than 50%
- Augmenting recharge with clean rooftop infiltration

- Pretreatment of parking lot discharge to remove contaminants and assure quality before infiltrating on site

#### 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>

City of Dover Comprehensive Plan Amendment (PLUS 2007-01-2)

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

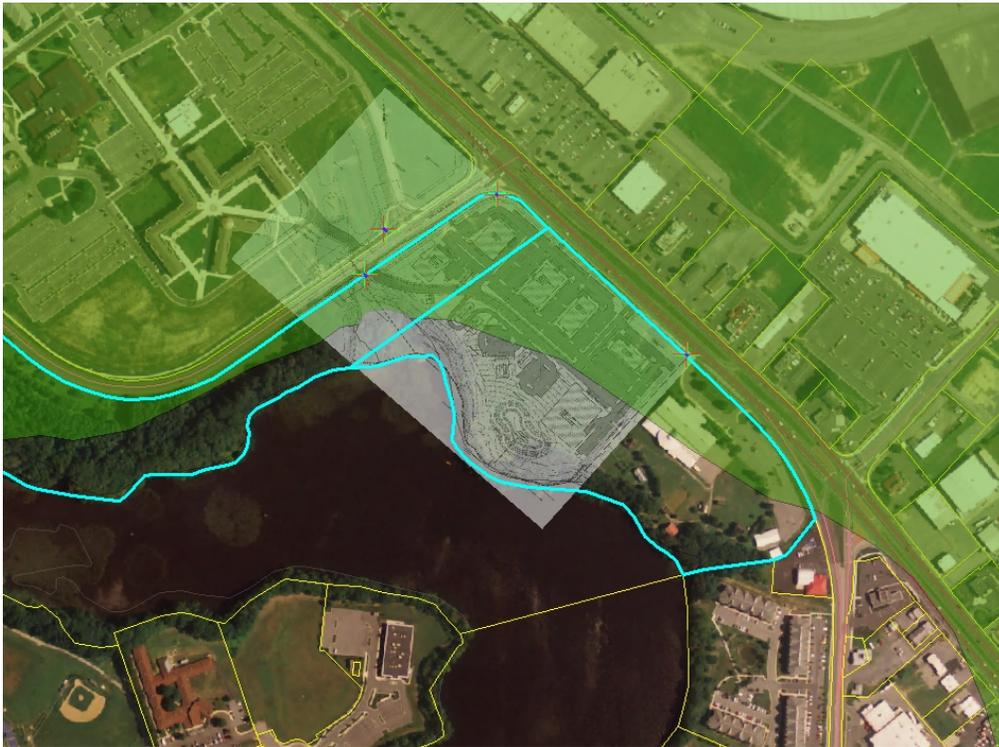
<http://www.wr.udel.edu/swaphome/publications.html>

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>

**Map of Delaware State University – Commercial Center (PLUS 2007-09-09)**

The impacted parcel is shown outlined in blue. The excellent ground-water recharge potential area is shown in green. The site plan is overlain on the parcel.



**Stormwater Management and Water Quality**

This site is located in the St Jones Watershed, which is listed as a designated watershed in the Delaware Sediment and Stormwater Regulations, as amended October 11, 2006. According to the Sediment and Stormwater Regulations, the concept of designated watersheds is intended, not only to prevent existing water quantity and water quality problems from getting worse, but also to reduce existing flooding problems and to improve existing water quality or meet State water quality standards in selected watersheds (Section 9.0). DNREC and/or the plan approval agency may require other acceptable stormwater quality practices if the receiving water body has been identified as impaired, or designated with a specific pollutant reduction target necessary to meet State of Delaware Water Quality Regulations (Sediment and Stormwater Regulations, Section 10.3.5.4). The St. Jones Watershed, including Silver Lake, has been designated as

impaired for nitrogen, phosphorus, and bacteria through the federal Clean Water Act. A total maximum daily load (TMDL) has been promulgated through regulation. The TMDL, which is a federal requirement, requires a 40% post-development reduction for nitrogen and phosphorus, and a 90% reduction in bacteria levels.

Delaware State University has been a very active participant, facilitator and supporter of the St. Jones Watershed Tributary Action Team, which has recommended a strategy to DNREC for meeting the TMDL requirements. The University is a major landowner in the watershed and also has a history of incorporating innovative stormwater management for new projects on campus. Delaware State has been an integral cooperator for other stormwater related projects in the area. This project, because of its location, the visibility, and expected use, provides an exciting opportunity for the University to explore and implement innovative stormwater management and pollutant reduction practices through demonstration projects.

As you are aware, a detailed Sediment and Stormwater Plan must be approved by DNREC prior to beginning construction. The consultant should contact Elaine Webb at (302) 739-9921 to schedule a pre application meeting as soon as possible to determine the best course of action for managing stormwater on this site. Due to the site's location on Silver Lake, the project will qualify for a waiver of stormwater quantity management; however, stormwater quality must still be addressed because of the designations described above.

Stormwater quality must be addressed through green technology BMPs (bioretention, biofiltration, filter strips, and infiltration). If green technology BMPs are not applicable throughout the site to manage stormwater quality, then other methods, such as a pond *may* be investigated; however since green technology BMPs have been shown on part of this site, it is likely that they will be applicable to the entire site. The DNREC Sediment and Stormwater Program will not approve the use of a pond on this site until all possibilities in the use of green technology BMPs have been explored.

Additionally:

- Green space in the parking lots closest to Route 13 should be provided to give opportunity for bioretention, filter strips, and biofiltration swales in this area.
- Curbing waivers may be necessary from City of Dover to allow overland flow for the green technology BMPs to be possible. Overland flow from developed areas closest to the lake may occur through filter strips to the lake.
- Incorporate pre-engineered inlet filters designed to remove urban pollutants such as hydrocarbons into the storm drain system as pre-treatment prior to discharge to

- infiltration facilities or other stormwater management BMPs designed primarily for TSS reduction.
- Implement a street sweeping program as part of long-term facility maintenance program as a source reduction strategy to reduce pollutants entering the storm water management system and infiltrating into groundwater.
  - Maximize the use of infiltration practices and low impact development practices to aid in ground water recharge as the site is located in an excellent ground water recharge area.
  - The maximum amount of buffer between Silver Lake and the improved areas of the site should be employed. The 75-foot riparian buffer along the lake should be managed through a three-tiered approach with a minimum of 25 feet of existing undisturbed forest along the lake, a minimum of 25 feet of managed forest (aforested areas as necessary) as the second tier upstream of the existing forest, and finally a minimum of 25 feet of grass filter strip at the most upstream section.
  - Minimizing disturbance along the lake will minimize impacts to aquatic resources and water quality in the lake through sediment discharges during construction.
  - Pipe discharge of stormwater into Silver Lake should be combined to one location, again so that impacts to the riparian area along the lake are minimized. Combining all site discharges and conveying it to an existing discharge location such as the culvert along College Road is the most desired option to reduce disturbance in the riparian area.

### **Floodplains**

DNREC agrees that the 100 year base flood (1% chance flood) elevation is 20.0 ft NAVD 88. A 25-foot buffer from the floodplain is provided (required by the City); however, less than a foot of elevation protection is provided in the area of the bioswale. This would be the most important area to have at least a foot of protection. The 0.2% chance flood elevation is 23.7 ft NAVD 88. They are not in favor of a concrete plaza, because it would increase the amount of impervious cover.

### **State Resource Area/Natural Area**

The forested riparian area on this site is part of the Fork Branch Natural Area and is also a State Resource Area. The road coming into the site looks like it will cut into this riparian area. To provide an adequate buffer and maintain the forest in total, the Land Protection Office urges the applicant to move the road to the north, away from the Natural Area/State Resource Area.

### **Rare Species/Lake Habitat**

DNREC has never surveyed the project area; therefore, it is unknown if there are State-rare or federally listed plants, animals or natural communities at this project site. Run-off from this project could exacerbate existing water quality problems and impact the condition of aquatic organisms in the lake. This lake is a popular fishing location and provides recreational opportunities to local residents. Therefore, efforts should be made to ensure that any run-off entering the lake is highly filtered of nutrients, chemicals and sediments.

### **Underground Storage Tanks**

There are seven inactive and one active LUST site(s) located near the proposed project:

Delaware State Police Headquarters, Facility # 1-000295, Project # K9702015

Dover Volkswagen, Facility # 1-000028, Project # K9402044

DSU Conrad Hall, Facility # 1-000287, Project # K0011136

Lowes of Dover, Facility # 1-000426, Project # K9101018

Dover Downs Shopping Center, Facility # 1-000129, Project # K8810055

PepBoys Store #0067, Facility # 1-000030, Project # K9603047

Dover Farmers Market, Facility # 1-000710, Project # K0312086

Sunoco Dover, Facility # 1-000347, Project # K8611058

No environmental impact is expected from the above inactive/active LUST site(s). 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.

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

The State Fire Marshal's Office has no comments regarding projects located in the jurisdiction of the City of Dover. Preliminary meeting with the City of Dover Fire Marshal's Office are encouraged prior to formal submittal.

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

The Delaware Department of Agriculture has no objections to the rezoning request. The project is in the City of Dover and the *Strategies for State Policies and Spending*

encourages environmentally responsible development in areas within Investment Level 1. The Department requests that when plans are developed for the project, the developer be mindful and considerate of the Delaware Agricultural Museum adjacent to the site by providing an effective landscape buffer. We further request that you consult with the Department of Agriculture's Forest Service on how to achieve the most effective buffer.

### *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.

### *Do Not Plant List*

Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear  
Leyland Cypress  
Red Oak (except for Willow Oak)  
Ash Trees

Please contact the Delaware Forest Service for more information at (302) 698-4500.

### *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 project is in the Capital School District. This is a rezoning request for commercial use. This rezoning request is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no objections or comments regarding this 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".

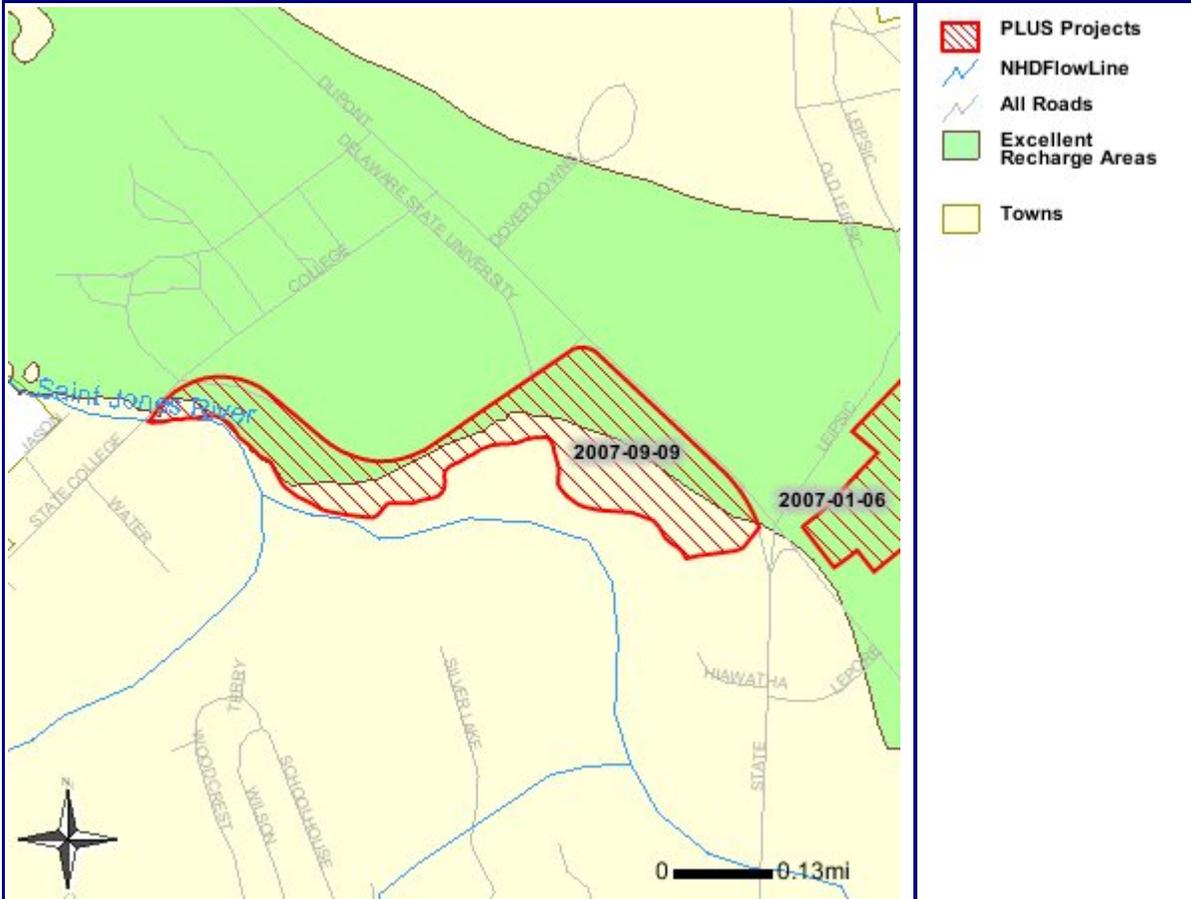
Constance C. Holland, AICP  
Director

CC: City of Dover



# DSU Commercial Center

2007-09-09



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

