



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

November 30, 2007

Mr. David Myers
GMB, LLC
400 High Street
Seaford, DE 19973

RE: PLUS review – PLUS 2007-10-04; Corrado Property

Dear Mr. Myers:

Thank you for meeting with State agency planners on October 31, 2007 to discuss the proposed plans for the Corrado Property located

According to the information received, you are seeking a rezoning of 3.19 acres from AR-1 to C-1 for an unknown commercial use. Please note that you should contact this office when the site plan is completed to so that it can be reviewed through the PLUS process.

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 Sussex 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: Bryan Hall 739-3090

The Office of State Planning and Coordination recognizes the proposed zoning change from AR-1 to C-1 is located within a Level 3 are and is an area in which this office anticipates future growth. This office has no objection to the proposed rezoning; however, this office encourages the developer to partner with DNREC and DDA to develop and implement green design standards to protect the water resources located within this site. If you have any questions, please call.

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

In reference to this particular parcel (property/project area), the historic resources at State Historic Preservation Office of the Division of Historic & Cultural Affairs did show and indicate the following:

- There was no indication of a known Archaeological site or National Register listed property on or within parcel, but this parcel is still in a vicinity where it is a possibility that there could be a potential archaeological site on this parcel, or nearby it.
- 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.
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- Prior to any demolition or ground-disturbing activities, or before any type of construction proceeds the developer may want to hire an archaeological consultant to check or examine this parcel/property for the possibility of a cemetery here, or to see if there are any archaeological sites on it.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs recommends and do hope that the developer will take these comments in to consideration. Also, if the developer would like to discuss this in further detail, contact Mr. Terence Burns, Information Resource Specialist, at the State Historic Preservation Office of the Division of Historic & Cultural Affairs at (302) 736-74

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Christopher and Leslie Corrado seek to have a 3.19-acre parcel (Tax Parcel 3-34-13.00-325.28) located on the southeast side of Holland Glade Road (Sussex Road 271) near Rehoboth Beach, rezoned from AR-1 to C-1 in Sussex County.

- 1) On June 18, 2007, DelDOT responded to a Service Level Evaluation Request from Sussex County regarding this application. They said that a traffic impact study (TIS) was not required. That is still their position regarding this application. However, there are two circumstances under which they we may yet require a TIS for the subject land. First, under proposed regulations that we expect to adopt this fall, the traffic volume warrants for requiring TIS will become more stringent. Therefore, if this application were denied or withdrawn, any subsequent application to rezone this land would likely require a TIS.

Second, this parcel adjoins two similarly sized parcels owned by the applicants and a third parcel that appears to be owned by relatives. All three are already zoned for commercial use. If two or more of these parcels were combined for development purposes, it seems likely that that development would warrant a TIS. With the more stringent criteria that are proposed, it is possible that a development occupying only the subject parcel could warrant a TIS.

- 2) Regardless of whether a TIS is required, the applicants should expect a requirement to improve Holland Glade Road from Delaware Route 1 to the northeast limit of their frontage. We may also require them to enter an agreement for the funding of a future signal at the intersection of Route 1 and Holland Glade Road.

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 project falls entirely within a wellhead protection area for Rehoboth Water and an excellent ground-water recharge area (see following map and attached map).

Wellhead protection areas are the surface and subsurface areas adjacent to public water supply wells where contamination could, if released, travel to the well. Land use

activities or impervious cover on wellhead protection areas may adversely affect the quality and quantity of drinking water in these areas.

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 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 groundwater recharge potential may adversely affect the quality and quantity of ground water in these areas.

It is recommended that the portion of the new development within the wellhead protection area and/or 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 will be necessary to determine the quantity of clean water necessary to be recharged via a recharge basin (Kauffman, 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. The Developer did not provide data for the area of impervious cover on the PLUS application form.

In addition, because the wellhead protection area is the source of public drinking water and the excellent ground-water recharge area so readily affects the underlying aquifer, the storage of hazardous substances or wastes should not be allowed within these areas 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>

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.

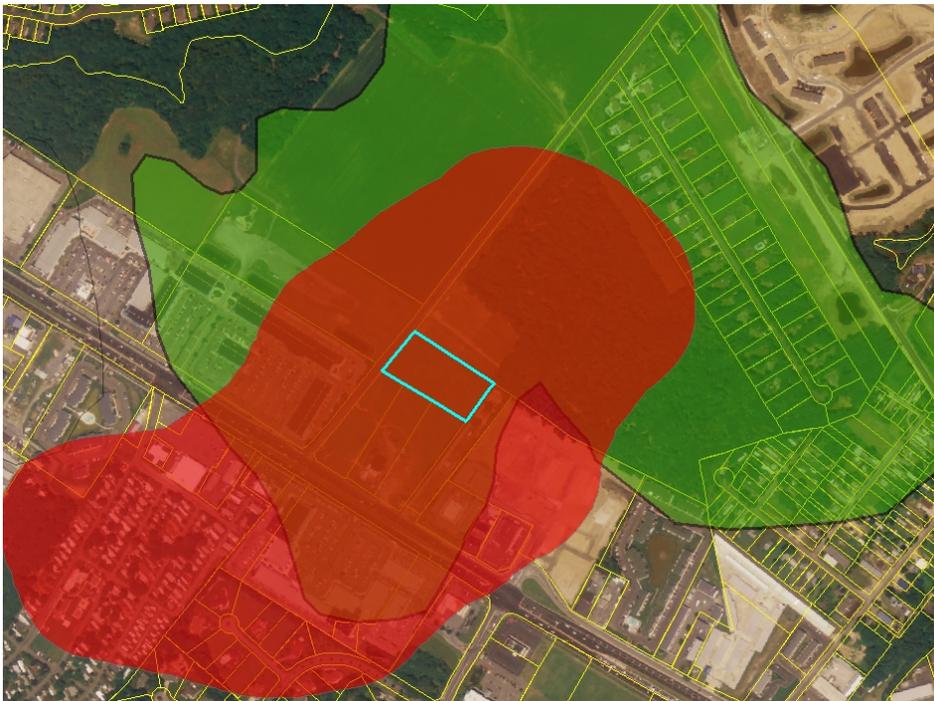
Listed as: “Supplement 1 – Groundwater Recharge Design Methodology”

<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: Drexel Institute of Technology, Laboratory of Climatology, Volume x, Number 3

Map of Corrado Property (PLUS 2007-10-04)

The green area is excellent ground-water recharge potential area. The red area is the wellhead protection area for Rehoboth Water. The parcel is outlined in blue.



Water Supply

The project information sheets state water will be provided to the project by the City of Rehoboth Beach via a public water system. DNREC records indicate that the project is located within the public water service area granted to the City of Rehoboth Beach under Certificate of Public Convenience and Necessity 99-CPCN-04.

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 is a Large On-Site Septic System named Ames-Rehoboth Beach located within 1000 feet of the proposed project.

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

Drainage and Stormwater Management

This project is located in the Inland Bays Watershed which is degraded by nutrients and bacteria. A Total Maximum Daily Load (TMDL) has been established to reduce nutrients in this watershed. If you have any questions about the strategy to reduce nutrients please contact Lyle Jones at DNREC Watershed Assessment Section, 302.739.9939.

The DNREC Sediment and Stormwater Program ensure sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

This application is to rezoning from agriculture to commercial. A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site over 5,000 square feet. Because the Sediment and Stormwater Program is in the process of revising its state regulations it is a good idea to 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 Sussex Conservation District. Contact Jessica Watson at the

Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface typically associated with the development of a commercial site, the applicants should incorporate green technology best management practices and low impact development practices to reduce stormwater flow and meet water quality goals for the Inland Bays, upon future development.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Boulevard Appliance Sale, Facility # 5-000812, Project # S9502042

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 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

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

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. 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 in the Cape Henlopen School District. This is a rezoning request with no site plan submission. The DOE has no objections or comments regarding this rezoning request but reserves the right to comment on the specifics of a site plan once submitted.

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: Sussex County