



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

January 29, 2008

Mr. Doug Liberman  
Larson Engineering, Inc.  
2717 Pulaski Highway  
Newark, DE 19702

RE: PLUS 2007-12-09; Norwood Rezoning

Dear Mr. Liberman:

Thank you for meeting with State agency planners on January 2, 2008 to discuss the proposed plans for the Norwood rezoning project to be located on the northwest corner of Route 24 and Route 5.

According to the information received, you are seeking a rezoning of 1.90 acres from AR-1 to CR-1 for a retail establishment of unknown size. Please note that if the rezoning is approved you should contact this office once the site plan is approved to verify if the site plan will need to be reviewed through the Preliminary Land Use Service (PLUS).

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.

## **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 within a Level 2 area according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas.

### **Street Design and Transportation**

- The relevant segments of Routes 5 and 24 are classified as collector 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 collector roads.
- DelDOT will require the developer to provide pedestrian facilities along the property frontage.
- The developer should anticipate a requirement for cross-access easements to the Dunmore, Carillon Square and Zakrociewski properties, respectively. Tax Parcels 2-34-23.00-261.00, 269.00 and 269.02.

### **Natural and Cultural Resources**

- If additional impervious cover is added, an environmental assessment should be performed. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis (Kauffman, 2005).
- Management of stormwater runoff from impervious cover for parking areas needs to be handled using water quality best management practices in accordance with current Delaware Sediment & Stormwater law and regulations prior to any recharge and/or infiltration.

The following are a complete list of comments received by State agencies. Zoning is the responsibility of the County government; therefore, many of the agency comments will relate directly to any development of this property.

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

This project is within a Level 2 area according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas.

The Office of State Planning and Coordination has no objections to the proposed rezoning of the parcel near the community of Long Neck to support the development of the proposed local business. This office does recommend however, that the applicant work with the County and other state agencies to address concerns to meet the proper zoning code designation and to allow for necessary entrances to US 13 and any needed storm water requirements.

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

- There is a known historic or cultural resource site very close to this parcel/property or on it, and it is a 20th century residential/commercial building/dwelling (S-9845).
- The developer should also be aware that this parcel/property is within the historic vicinity of Indian River Hundred. According to the historic Beers Atlas/Map of 1868, there is evidence that indicates that the vicinity of Indian River Hundred 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 any demolition, ground-disturbing activities or construction on this parcel/property the developer 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 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 recommendations 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) The relevant segments of Routes 5 and 24 are classified as collector 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 collector roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) DelDOT will require the developer to provide pedestrian facilities along the property frontage. These facilities will be a shared use path in a 15-foot wide permanent easement, sidewalks within the right-of-way, or some combination of the two.
- 3) On December 21, 2007, DelDOT's new regulations regarding land development became effective. As indicated in a 1995 letter to Sussex County, the subject development did not meet DelDOT's warrants for a traffic impact study (TIS) at that time. If the rezoning application is submitted to the County and is accepted for review by the County in accordance with required local procedures by March 31, 2008, then as part of DelDOT's grandfathering provisions no TIS will be required. The developer should anticipate a need for an operational analysis pertaining to their entrance design. The intersection of Routes 5 and 24 is subject to severe seasonal congestion and it may not be possible to permit all of the desired access.
- 4) The developer should anticipate a requirement for cross-access easements to the Dunmore, Carillon Square and Zakrociewski properties, respectively. Tax Parcels

- 2-34-23.00-261.00, 269.00 and 269.02. DelDOT is hopeful that if it is necessary to restrict direct access to or from the site that access can be provided by an easement through an adjoining property.
- 5) DelDOT has projects under development to improve Delaware Route 24 from Plantation Road (Sussex Road 275) to a point west of Mount Joy Road / Oak Orchard Road (Sussex Road 297). However, the intersection of Routes 5 and 24 was improved through a separate project a few years ago. No further DelDOT improvements are planned in the immediate area of the subject rezoning.
  - 6) If the rezoning is approved, the developer's site engineer should contact the DelDOT Subdivision Manager for eastern Sussex County, Mr. John Fiori, to determine 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**

**Water Supply**

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Our records indicate that the project is located within the public water service area granted to Public Water Supply (a.k.a. Tidewater Utilities) under Certificate of Public Convenience and Necessity 87-WR-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 an underground storage tank associated with Kohlers and a large on-site septic system associated with the Nanticoke

Crossing Shop Center located towards the North part of the property 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, has determined that the parcel falls entirely in the wellhead protection area for Tidewater Utilities Meadows District. The review did not find any excellent groundwater recharge areas (see following map and attached map).

Wellhead protection areas are surface and subsurface areas surrounding a public water supply well where land use activities or impervious cover may adversely affect the quantity and quality of ground water moving toward the well.

The proposed project will change the land use from Agricultural-Residential to Commercial-Residential (CR-1). This proposed land use has the potential to introduce petroleum hydrocarbons that are associated with this CR-1 land use (DNREC, 1999).

The Water Supply Section recommends that the portion of the new development within the wellhead protection area not exceed 20% impervious cover. If the impervious cover, exceeds 20% but is less than 50% then allowances for augmenting ground-water recharge should be considered. The development should not exceed 50%. 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 drinking water supplies.

The applicant indicated the impervious cover of the present use as 25.9%. They stated the change in impervious surface as "N/A" (Non-Applicable). The site plan submitted with the application shows only the existing structure. The Applicant did not indicate adding additional impervious cover to provide additional parking. This type of land use also has the potential to increase impervious surface and exceed DNREC recommendations for limiting impervious surface.

Ground Water Protection Branch recommends:

- If additional impervious cover is added, an environmental assessment should be performed. The environmental assessment must document that

post-development recharge will be no less than predevelopment recharge when computed on an annual basis (Kauffman, 2005).

- Management of stormwater runoff from impervious cover for parking areas needs to be handled using water quality best management practices in accordance with current Delaware Sediment & Stormwater law and regulations prior to any recharge and/or infiltration.

In addition, because the wellhead protection area the source of public drinking water, 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

Delaware Department of Natural Resources and Environmental Control, 2005, Source Water Protection Guidance Manual for the Local Governments of Delaware, p. 144.

[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)

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.

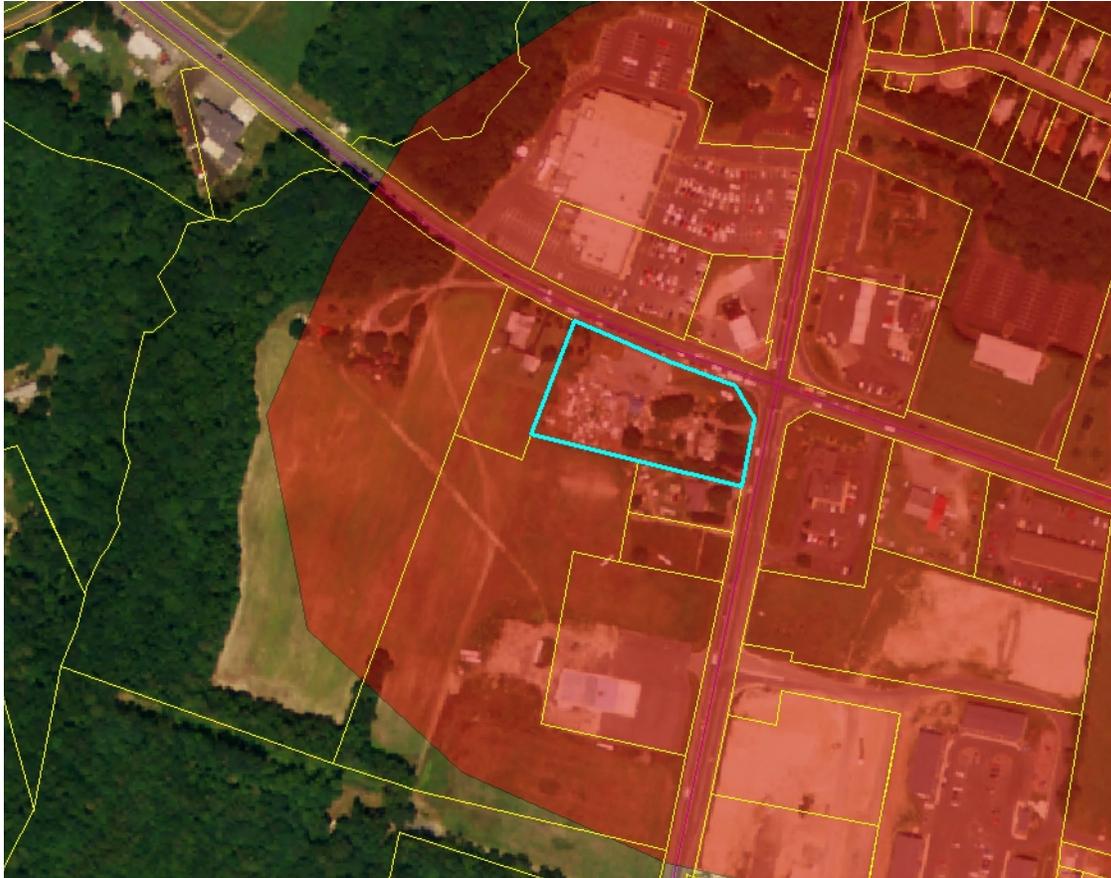
Listed as: "Supplement 1 – Groundwater Recharge Design Methodology"

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

#### Climate Budget

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 Norwood Rezoning (PLUS 2007-12-09)** The red area shows the wellhead protection area with affected parcel in light blue.



### **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 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, consider incorporating more green technology BMPs and low impact development practices to reduce stormwater flow and to meet water quality goals.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, DNREC 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.

### **Drainage**

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.

### **Underground Storage Tanks**

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

PepUp # 6 (Kohler's Store) Facility # 5-000160, Project # S0508079

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):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for mercantile sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from the main thoroughfares must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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](http://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 project is located within in an area designated as level 2, 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.

*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 Indian River School District. This is a rezoning request and review 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 rezoning request.

**Sussex County – Contact: Richard Kautz 855-7878**

The Sussex County Zoning Ordinance Section 115-166 C states, "Parking within front yard setback shall be discouraged and subject to site plan review." The developer should be aware that the Planning and Zoning Commission is reluctant to approved parking in the front setback and so the design should be revised to show compliance with the

setback requirement. This should be addressed by any nonresidential site plan prepared for this property.

This year Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected because the site is entirely within a wellhead protection area.

Per page 15 of the Comprehensive Plan, "any increased density by rezoning should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly. Use of Low Impact Design principals and Green Technology could help address the environmental issues.

The Sussex County Engineer Comments:

The parcel is within the boundary of the Long Neck Sanitary Sewer District but service has not been extended to the parcel at this time. The developer of the adjoining proposed Carillon Square project will undertake an extension of sewer under Route 24 to their project. The Carillon Square project will provide a connection point to the above parcel. Sussex County has no control over the developer's schedule. In addition, Sussex County cannot guarantee the location or elevation of the connection point to be provided by others. The proposed Carillon Square project was recently annexed into the Long Neck Sanitary Sewer District and has an approved concept plan. Acceptance of the conceptual plan for Carillon Square means other alternatives for providing sewer to the area will not be considered. Connection of existing improvements on the parcel is required within 90 days of service being provided to the parcel.

The Sussex County Engineering Department opposes the rezoning because of the potential for increased density from commercial uses. 4.0 EDUs per acre of sewer capacity have been allocated to AR-1 zoned parcels in the Long Neck Sanitary Sewer District. . A project that exceeds 4.0 EDU per acre (7.60 EDU total for the parcel) will not be approved. The Engineering Department is concerned that the total allowable EDU would not be adequate for potential commercial uses. As an example, the maximum office space on the parcel could not exceed 7,600.0 square feet or 22,800 square feet of retail space.

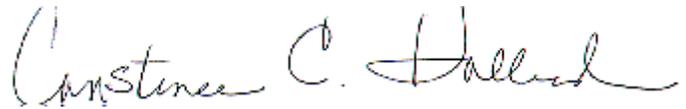
Future development of the parcel will require approval of sewer concept plan and payment of system connection fees.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

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". The signature is written in black ink and is positioned above the typed name and title.

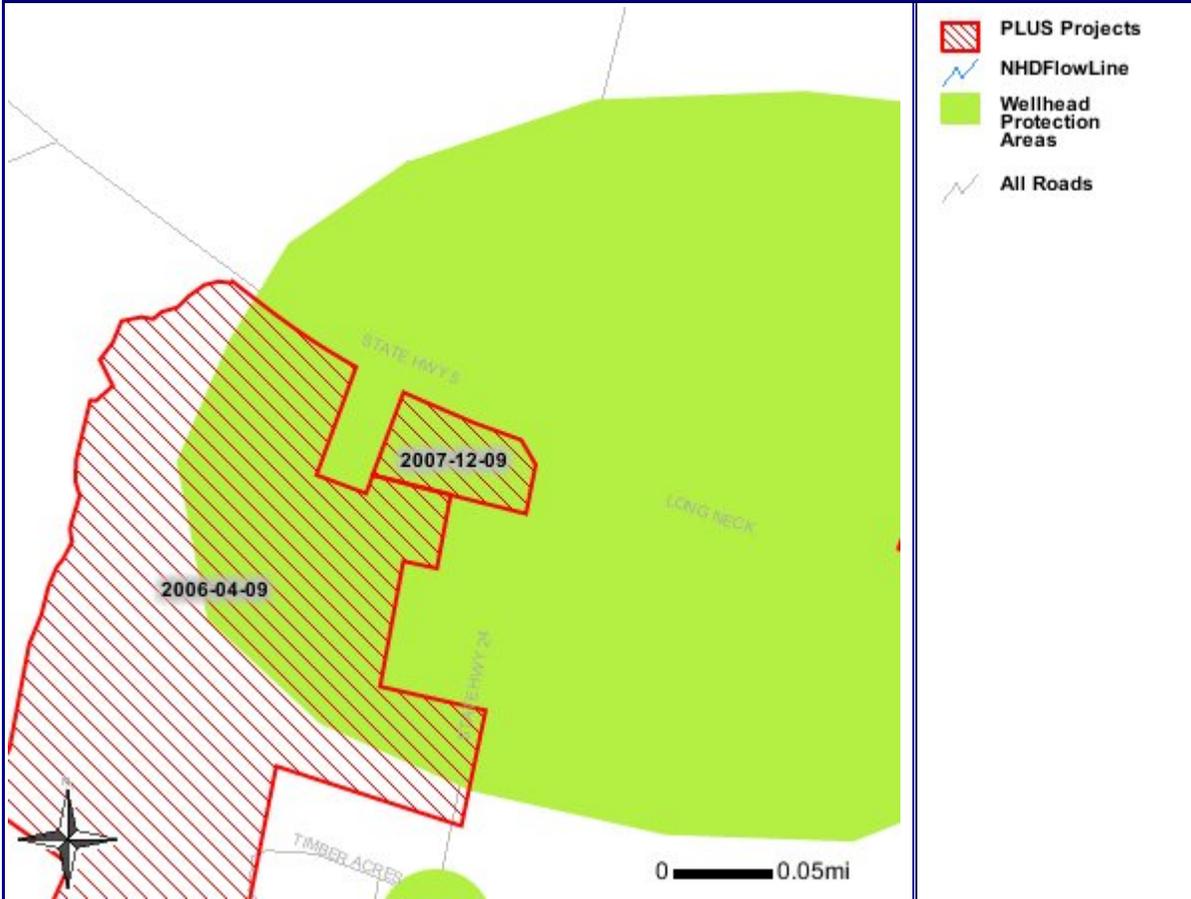
Constance C. Holland, AICP  
Director

CC: Sussex County



# Norwood Rezoning

2007-12-09



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

