



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET  
Budget Development, Planning and Administration  
State Planning Coordination

May 18, 2009

Michael Riemann  
Becker Morgan Group  
309 South Governors Avenue  
Dover, DE 19904

RE: PLUS review – 2009-04-07; Bridgeville Commons

Dear Mr. Riemann:

Thank you for meeting with State agency planners on April 22, 2009 to discuss the proposed plans for the Bridgeville Commons project to be located at the U.S. Route 13 and Route 404 intersection within the Town of Bridgeville.

According to the information received, you were seeking annexation into the Town of Bridgeville with a rezoning to C-1 for the purpose of a 52,900 sq. ft. commercial center. It is my understanding that this site has been annexed since the time of your application.

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. Since it has been annexed, 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 Town.

**Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.*

### **State Strategies/Project Location**

- This property is located within a Level 2 area according to the Strategies for State Policies and Spending and the future growth and annexation area for the Town of Bridgeville. As of this meeting, the Town has formally completed the annexation process for the Town of Bridgeville and the State has no objection to the development of this parcel in the Town of Bridgeville provided you comply with all local ordinances and regulations.

### **Street Design and Transportation**

- DelDOT would recommend that the development of the subject shopping center be permitted to proceed subject to the following conditions being fulfilled prior to the issuance of building permits:
  - The developer should be required to enter into an agreement with DelDOT, whereby the developer would fund an equitable portion of a DelDOT project to widen US Route 13 from Rifle Range Road to Delaware Route 18. Several other developments are expected to have such agreements.
  - The developer should be required to enter into a signal agreement with DelDOT for the intersection of US Route 13 and Rifle Range Road. Two other developments are expected to enter such agreement.
  - The developer should be required to enter into an agreement with DelDOT, whereby the developer would fund an equitable portion of improvements to provide separate left, through and right turns on eastbound Rifle Range Road and a separate left turn lane and a combined through and right turn lane on westbound Rifle Range Road. At least one other development is expected to have such an agreement.
- The proposed access points are still under review. Preliminarily, the two entrances on the service road are acceptable but the access on Route 404 is not.

### **Natural and Cultural Resources**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site.

This office has received the following comments from State agencies:

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

This property is located within a Level 2 area according to the Strategies for State Policies and Spending and the future growth and annexation area for the Town of Bridgeville. As of this meeting, the Town has formally completed the annexation process for the Town of Bridgeville and the State has no objection to the development of this parcel in the Town of Bridgeville provided you comply with all local ordinances and regulations.

**State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685**

The role of the Division of Historical & Cultural Affairs in the Preliminary Land Use Service (PLUS) process is to provide information on the potential affect or impacts that a development or construction project may have on historic or cultural resources, and is an advocate for their protection. These historic or cultural resources can be a historic property, building, structure, landscape, district, object, archaeological site, cemetery, burial ground, or unmarked human remains.

Development projects, whether they are big or small, or whether they are located in rural areas or urban areas, have the capability to impact historic or cultural resources. In some cases, many of them, such as architectural resources and archaeological sites have been adversely affected by development projects through the demolition or ground-disturbing activities. These resources are also irreplaceable and quite valuable because of the important information they can provide about our state's past and a visual connection to our state's heritage.

In accordance with the Preliminary Land Use Service (PLUS) outlined in [Chapter 92 of Title 29](#) of the Delaware Code, here are the observations in reference to this PLUS Review Application. In addition, all of the information provided in reference to these observations is according to the archival resources or reference materials of the State Historic Preservation Office, which is the central research repository of the Division of Historical and Cultural Affairs.

There appears to be no known Historic or Cultural Resource Sites such Archaeological Site or National Registered Property or Site on this parcel, and the Division of Historical & Cultural Affairs does not oppose of the rezoning of this parcel. If you have any questions, or would like to discuss this information further, please contact Terrence Burns at (302) 736-7404.

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

The Bariglio Corporation proposes to develop a 52,900 square foot shopping center on a 9.36-acre parcel (Tax Parcel 1-31-15.00-38.00). The land is located on the north side of Delaware Route 404 and the west side of the East Service Road. The service road is being built by DelDOT to connect Route 404 and Rifle Range Road (Sussex Road 545) as part of a larger project to improve the intersection of US Route 13 and Route 404. The land is zoned AR-1 in Sussex County but is proposed for annexation into the Town of Bridgeville under C-1 zoning.

1. The proposed development warrants a traffic impact study (TIS) based on its expected trip generation (148 vehicles per hour and 2,301 vehicles per day (DelDOT estimate) versus warrants of 50 vehicles per hour and 400 vehicles per day). However, there are mitigating factors in this instance.

As mentioned above, DelDOT is building a large project to improve the intersection of US Route 13 and Delaware Route 404. DelDOT planning for those improvements assumed the development of the subject land as proposed. Further, DelDOT recently completed a Bridgeville Corridor Study, which included several, much larger developments nearby, although it did not include this development. Finally, the subject shopping center is part of a larger development proposal for lands along the East Service Road and the developer has agreed to fund an update of the Bridgeville Corridor Study as a condition for the development of the remainder of their project. Accordingly, DelDOT would recommend that the development of the subject shopping center be permitted to proceed subject to the following conditions being fulfilled prior to the issuance of building permits:

- a) The developer should be required to enter into an agreement with DelDOT, whereby the developer would fund an equitable portion of a DelDOT project to widen US Route 13 from Rifle Range Road to Delaware Route 18. Several other developments are expected to have such agreements.
- b) The developer should be required to enter into a signal agreement with DelDOT for the intersection of US Route 13 and Rifle Range Road. Two other developments are expected to enter such agreement.
- c) The developer should be required to enter into an agreement with DelDOT, whereby the developer would fund an equitable portion of improvements to provide separate left, through and right turns on eastbound Rifle Range Road and a separate left turn lane and a combined through and right turn lane on westbound Rifle Range Road. At least one other development is expected to have such an agreement.

The proposed access points are still under review. Preliminarily, the two entrances on the service road are acceptable but the access on Route 404 is not.

DelDOT recommends that the developer contact our Subdivision Manager for western Sussex County, Mr. Derek Sapp, for more detailed comments on the site access. He may be reached at (302) 760-4803.

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

Comments by division and program follow.

## **Soil and Water**

**Sediment and Stormwater Program.** 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) 856-2105 for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

**Drainage Program.** 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 onsite 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.

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.

*Sediment/Stormwater and Drainage comments provided by James Sullivan - (302) 739-9921, [James.Sullivan@state.de.us](mailto:James.Sullivan@state.de.us)*

## Water Resources

**Soils Assessment.** According to the NRCS soil survey update Hambrook (HbA), Hambrook Urban-Land complex (HkB), Woodstown (WdA), and Fallsington (FaA) were mapped in the immediate vicinity of the proposed construction. Hambrook is a well-drained upland soil that, generally, has few limitations for development. Hambrook Urban-Land complex is a soil that has been extensively modified from grading, filling, or excavation practices, and may have variable site-specific limitations. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

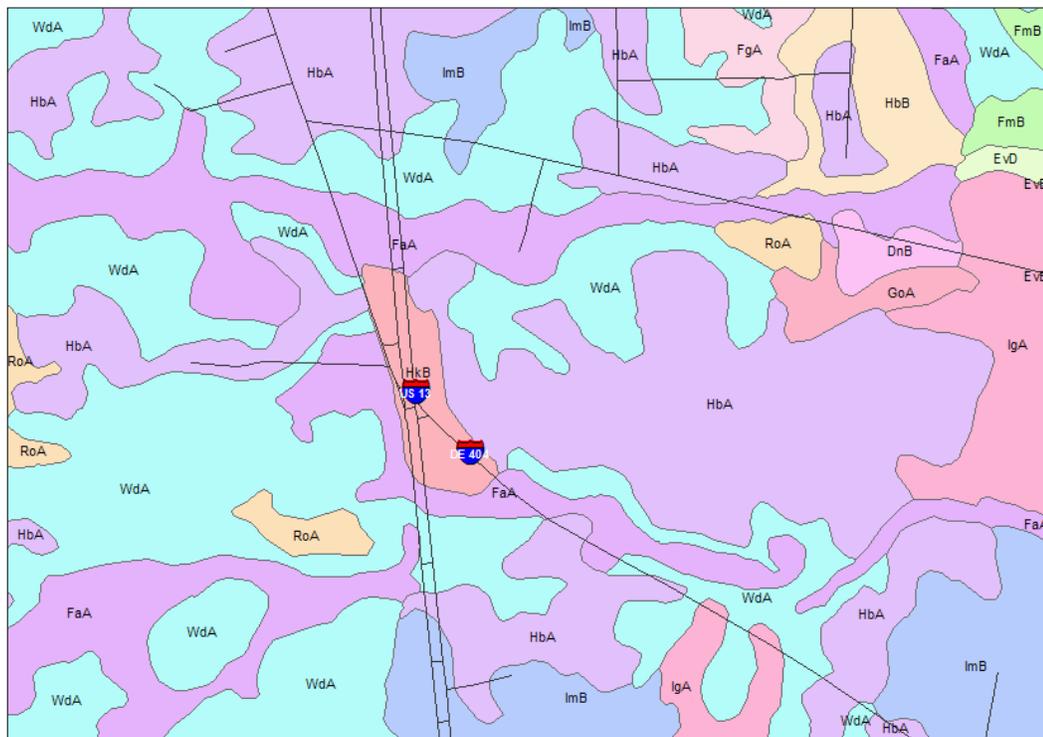


Figure 1: NRCE soil survey mapping in the immediate vicinity of the Bridgeville Commons project.

**Impervious Surfaces and Best Management Practices.** The applicant estimates this project's post-development surface imperviousness to reach 75%. However, given the scope and density of this project this projection appears to understate the actual amount of created surface imperviousness. According to the TR-55 methodology for determining impervious cover, given a commercial and business land use, impervious cover is more likely to be 85%. The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, parking lots, sidewalks, open-water stormwater management structures, and roads) should be included in the calculation for surface

imperviousness. Failure to do so will result in an underestimate of this project's likely post-construction environmental impacts. The calculation for surface imperviousness should be corrected and/or recalculated to reflect all the above-mentioned concerns.

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. Since this is a commercial project, it is strongly recommended that the applicant employ pervious paving materials, in lieu of conventional paving materials, for at least 50 percent of the project's total paved surface area(s).

**TMDLs.** Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Nanticoke watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals.

In the greater Nanticoke watershed where this project is proposed, "target-rate-nutrient reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, "target-rate-reductions" of 2 percent will be required for bacteria. A Pollution Control Strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through increasing the amount of passive, wooded open space, use of pervious paving materials to reduce surface imperviousness, connection to central sewer (or performance based community system), and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

*Soils, wetlands, subaqueous lands and TMDL comments provided by John Martin, Watershed Assessment Section, (302) 739-9939, [John.Martin@state.de.us](mailto:John.Martin@state.de.us)*

**Water Supply.** The information provided indicates that the Town of Bridgeville will provide water to the proposed projects through a public water system. Our files reflect that the Town of Bridgeville does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. According to §203C, Subchapter II, Chapter 1, Title 26, Delaware Code, the municipality is required to give notice to the Public Service Commission when the annexation is complete. Information on CPCN requirements and applications can be obtained by contacting the Public Service

Commission at 302-736-7547. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

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 Underground Storage Tanks associated with (1) Pep-Up #2, and (2) Shore Stop #804, located on the Northwest corner within 1000 feet of the proposed project. *Ricardo Rios - (302) 739-9944, [Ricardo.Rios@state.de.us](mailto:Ricardo.Rios@state.de.us)*

**Water Resource Protection Areas.** The DNREC Ground Water Protection Branch (GPB) has determined that the project does not fall within any delineated wellhead protection area or an area of excellent groundwater recharge potential. However, we did find a discrepancy between the concept plan submitted with the application and the size of the parcel.

## **Air and Waste**

**Hazardous Waste Sites.** No SIRB sites or salvage yards were found within a ½-mile radius of the proposed development. However, based on the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions. *Krystal Stanley - (302) 395-2644, [Krystal.Stanley@state.de.us](mailto:Krystal.Stanley@state.de.us)*

**Tank Management Branch.** There are five (5) LUST facilities including six (6) LUST project sites located within a quarter mile from the proposed project.

Name: Comfort Heating (Inactive)

Facility ID: 5-000281

Project: S9201018

Name: Comfort Heating (Inactive)

Facility ID: 5-000281

Project: S9203086

Name: Pep Up #2 (Active)

Facility ID: 5-000153

Project: S8904254

Name: Shore Stop #281 (Inactive)

Facility ID: 5-000334

Project: S8911276

Name: Royal Farms Store #109 (Active)

Facility ID: 5-000971

Project: S0310065

Name: Bridgeville BP-Uncle Willies #10 (Inactive)

Facility ID: 5-000104

Project: S0311069

Should any underground storage tanks or petroleum contaminated soil be discovered by any person during construction, the DNREC-TMB at (302) 395-2500 and the DNREC Emergency Response Hotline at (800) 662-8802 must be notified within 24 hours.

Should any contamination be encountered, PVC pipe materials will have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

Also, please note that if any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMB. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMB. *Elizabeth Wolff* - (302) 395-2500, [Elizabeth.Wolff@state.de.us](mailto:Elizabeth.Wolff@state.de.us)

**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 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 buildings from the public 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 739-4811**

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 2 areas, and the property is located within the Town of Bridgeville.

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. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Leyland Cypress

Ash Trees

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these 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.

**Delaware Economic Development Office – Contact: Jeff Stone 672-6849**

No comments received regarding this application

**Delaware Division of Public Health- Health Promotion Bureau- Contact: Michelle Eichinger (302) 744-1011**

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases.<sup>1</sup> Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs.<sup>2</sup> This is particularly important considering about 65% of adult Delawareans are either overweight or obese.<sup>3</sup> This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese<sup>4</sup>, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.<sup>1</sup>

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

This proposed development is in a Level 2 area. Developing in such an area is consistent with the *Strategies for State Policies and Spending*. DPH is committed to the *Strategies* and therefore, does support development in the proposed area.

DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Bridgeville Commons:

**Amenities to encourage active transportation**

- Ensure safe connectivity with sidewalks, crosswalks and walking/bicycling paths within the commercial development.

- Ensure there are sidewalks, crosswalks and walking/bicycling paths connecting the neighboring properties to this site.
- Designate bike paths to supplement the sidewalks consumers can travel by foot or by bicycle to the site. In addition, install bike racks in convenient and safe locations within the site.

**Amenities to encourage recreation**

- Designate open space for passive recreation. Amenities for passive recreation can include park benches, picnic tables, or a gazebo.

<sup>1</sup> Nemours Health and Prevention Services (2005). *Delaware Children's Health Chartbook*, Newark, DE.

<sup>2</sup> Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from [http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation\\_Factsheet.pdf](http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pdf).

<sup>3</sup> Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS), 1990-2007*.

<sup>4</sup> Nemours Health and Prevention Services (2007). *2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1*.

**Delaware State Housing Authority – Contact Vicki Powers 739-4263**

No comments received regarding this application

**Department of Education – Contact: John Marinucci 735-4055**

This proposed project is in the Woodbridge School District. This rezoning request is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

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

No comment about the project. The site is to be entirely within the town limits and does not directly impact County services or properties outside the town limits.

The town is encouraged to avoid the creation of new enclaves when annexing, to eliminate existing enclaves during its negotiation of the annexation agreement, and to notify the Sussex County Planning Department when the annexation becomes effective.

**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