



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

December 28, 2009

Garth Jones
Becker, Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19904

RE: PLUS review – 2009-11-05; Garrison Oak Technical Park

Dear Mr. Jones:

Thank you for meeting with State agency planners on November 25, 2009 to discuss the proposed plans for the Garrison Oak Technical Park project to be located on White Oak Road, east of and adjacent to Route 1.

According to the information received, you are seeking approval for a 15 lot technical park to be preplanned on 381.8 acres with roads, utilities and stormwater management. The first phase of the development would be the 94.6-acre Solar Park, a photovoltaic power plant. The City anticipates creating the parcel for the Solar Park through a minor subdivision within the next few months and the developer of it seeks to break ground in the spring. The next likely parcel to be developed is 35.9-acre Lot 7, where a gas-fired power plant is proposed.

This PLUS review is for the conceptual subdivision plan for the technology park. The PLUS review for the Solar Park (a.k.a. Dover Sun Park) has been waived through my correspondence of December 14, 2009. Any site development that occurs on the other parcels will be subject to PLUS review under the terms and conditions of our PLUS MOU.

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 County.

Strategies for State Policies and Spending

- This project is located within a Level 2 and Level 3 according to the Strategies for State Policies and Spending and within the City of Dover. 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 State supports the concept of pre-planning/pre-permitting sites to avoid the loss of a perspective employer due to the length of the process to approve a new site.

Code Requirements/Agency Permitting Requirements

- As this site does have two know archeological sites, the developer should be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of human remains.
- Per DelDOT regulations:
 1. Under any likely development scenario, the proposed park will meet DelDOT's volume warrants for a traffic impact study (TIS), specifically 50 peak hour trips and 400 daily trips. Estimating based on the acreage, less the proposed Solar Park, DelDOT would expect about 2,500 peak hour trips and about 18,000 daily trips. These estimates are likely to be high, but until they know better what uses will occupy the park, they are the best DelDOT can offer.

Recognizing the City's proposed timeline and the need to support economic development; DelDOT is prepared to work with the City on phasing the development of the park to necessary road improvements. They suggest that an agreement be established between DelDOT and the City regarding a first phase that would allow some development to proceed while the City completes the TIS and a more detailed plan is drafted tying further development to the road improvements that would be identified through the TIS. When such an agreement is reached, DelDOT would be willing to consider issuing a letter of no objection or permitting access onto White Oak Road.

The City may contact Bill Brockenbrough to begin discussions regarding the agreement. The City's traffic engineer may contact Mr. Troy Brestel of this office to arrange for a scoping meeting to discuss the TIS. Mr. Brestel may be reached at (302) 760-2167.

2. White Oak Road is classified as a Local road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on Local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- Per Kent Conservation District:
 1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
 2. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
 3. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Per DNREC:

1. The parcel is within the White Oak Tax Ditch watershed. The White Oak Tax Ditch Main, with established rights-of-way, runs through the property. Any change to the location of the tax ditch or the tax ditch rights-of-way will require a change to the White Oak Tax Ditch court order. Contact Robert Enright (302) 739-9921 to discuss possible changes to the court order.

Positive Aspects of Application

This project is within the City of Dover with access to services and infrastructure. In addition, the pre-planning and pre-permitting of a technological park will allow for better response to a perspective tenant who wishes to build on the site.

Recommendations/Additional Information

- DNREC recommends that Lot #s 6, 7, and 15 be reconfigured to exclude forested wetlands and leave at least a 100-foot buffer intact between the lot line and the wetland boundary. This will ensure that impacts to habitat are avoided and an adequate upland buffer is left intact.
- To help control nuisance geese, DNREC recommends Delaware native plants, including tall grasses, wildflowers, shrubs, and trees be planted at the edge and within an adequate buffer (15-30 feet in width) around the ponds, to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements. When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.
- Green Technologies (bio retention, bio swales etc.) should be considered before traditional facilities can be considered.
- As discussed during a pre-application meeting with the site engineer the site is a good candidate for some unusual and different practices for stormwater management. The plans provided for the PLUS process did not reflect the practices discussed.
- The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
- It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive amenity.
- A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
- The White Oak Tax Ditch drains approximately 800 acres west of Route 1 along with approximately 660 acres east of Route 1. The Drainage Program requests 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

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.

- The DNREC review of the site plan shows the "water quality areas" (as shown on the site plan) will be placed directly in the Little River watercourse. The City has adopted a floodplain ordinance as a participating community in the National Flood Insurance Program (NFIP). This ordinance requires 3 things in this situation:
 1. A Base Flood Elevation must be submitted with any proposal greater than 5 acres or 50 lots.
 2. FEMA and adjacent communities must be notified prior to any alteration or relocation of a watercourse.
 3. The community shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. If the location of the Special Flood Hazard Area will be changed as a result of the watercourse being altered, the hydraulic and hydrologic analysis must be submitted to FEMA. DNREC would recommend this be done prior to development of the site.

There are severe flooding issues upstream of this property related to the culverts under SR1. Any mitigation to solve this issue could have a significant impact on the design of this property.

- The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. Therefore, prior to any demolition, construction, or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for historic or cultural resources such as an archaeological site, cemetery or unmarked human remains. If you have any questions or concerns, please contact Terence Burns at 302-736-7404.
- As mentioned above, DelDOT will require a TIS to determine what road improvements are needed to support this development. One improvement that will likely be needed is a new connection, i.e. a service road, from the site entrance to the Delaware Route 1 interchange at Delaware Route 8 (Division Street and North Little Creek Road).

Some years ago, when the subject park was first proposed, DelDOT developed a concept plan for such a road, and the north end of that concept is shown on the Conceptual Subdivision Plan submitted with the PLUS application. The timing for construction of the service road, and the specific alignment of that road, can be determined later, using information from the TIS. However, the location and design of the park entrances, including a decision about where to place the north end of the service road, will need to be resolved before DelDOT can issue a letter

of no objection or permit access onto White Oak Road. One factor will be sight distance for eastbound drivers who are crossing over Route 1.

Regarding the east entrance, we have already suggested to the developer of Evergreen Acres, that it would be desirable to place the park entrance opposite their entrance. From the discussion at the PLUS meeting, DelDOT understands that the park is ahead of Evergreen Acres in the City's process, such that the Evergreen Acres entrance would be required to move opposite the park entrance instead. As long as the location allows for a safe entrance design, DelDOT is flexible in this regard, but the two entrances must be aligned. DelDOT recommends that the City have their engineer contact our Project Engineer for the north part of Kent County, Mr. Julio Seneus, to begin discussions regarding the entrance locations. Mr. Seneus may be reached at (302) 760-2145.

- An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.
- Given that this is a wellhead protection area, the City is strongly encouraged to apply impervious cover limitations on this development. DNREC recommends that the portion of the site within the scientifically delineated wellhead protection area not exceed 20% impervious cover. Some allowance for augmenting groundwater recharge should be implemented if impervious cover exceeds 20%, but in no case does DNREC recommend exceeding 50% impervious cover in the wellhead protection area.
- The wellhead protection area is associated with wells that provide the City of Dover with public drinking water. DNREC does not recommend the storage of hazardous substances or wastes within this area unless specific approval is obtained from the relevant state, federal or local program.



- 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.

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

- 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.

Amenities to encourage active transportation

- Ensure safe connectivity with sidewalks, crosswalks and walking/bicycling paths within the site.
- Designate bike paths to supplement the sidewalks already so that residents 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 active and passive recreation that promotes physical activity for all ages. Although the proposed site is a technical park, amenities such as gazebos, park benches and tables promote activity that can be done during breaks. In addition, having such amenities in close proximity to walking paths provide opportunities, not only for employees, but also for local residents to access. Ensure these amenities are centrally located in the site plan, and away from the main entrance to the site.

Increase opportunities for healthy eating

- Designate an area for a seasonal produce stand. Employees may access the produce stand during the lunch hour and this would provide an opportunity for employees and local residents to access fresh fruits and vegetables.
- It is recommended that the developer consider a transit stop within the park and sidewalks to encourage public transportation for the employees.

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,



Constance C. Holland, AICP
Director

CC: City of Dover