



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

May 23, 2011

Kenneth Christenbury
Axiom Engineering
18 Chestnut Street
Georgetown, DE 19947

RE: PLUS review – 2011-04-04; Bayside Mini-storage

Dear Mr. Christenbury:

Thank you for meeting with State agency planners on April 27, 2011 to discuss the proposed plans for the Bayside Mini-Storage to be located on the North side of Route 20, ¼ mile east of Route 388.

According to the information received, you are seeking a rezoning from AR to CR-1 with limited traffic for a 29,400 sq. ft. mini-storage unit.

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.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 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. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments will support growth in these areas.

Code Requirements/Agency Permitting Requirements

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known cultural or historic resources such as an archaeological site, or National Register-listed property, or potential historic resource on this parcel (or property). However, it is still important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. It is also important to keep in mind that the unexpected discovery of unmarked human remains during construction can result in significant delays, while the process is carried out. prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for archaeological sites, such as a cemetery or unmarked human remains.
- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential culture or historic resources.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed rezoning would create three acres of land zoned CR-1. Treating the property as a shopping center and applying rates per acre, as is DelDOT standard practice in evaluating rezoning proposals, yields daily and weekday evening peak hour rates of 2136 vehicles per day and 216 vehicles per hour. These numbers exceed DelDOT's volume warrants for a Traffic Impact Study (TIS), 400 vehicles per day and 50 vehicles per hour, as contained in Section 2.3.1 of the Standards and Regulations. However, we understand it, that the applicant is willing to enter deed restrictions, limiting their trip generation to less than 200 vehicles per day and 50 vehicles per hour. Subject to their entering acceptable deed restrictions to this effect, they will not require a TIS or a Traffic Operational Analysis for this development.
- Referring to DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, Chapter 3 – Site Plan Design, Section 3.5.7: Interconnectivity on page 3-14, an inter-connection shall be required to those properties that have the potential to be developed. Preliminarily, those appear to be the Long property (Tax Parcel No. 5-33-11-79.01) and both of the Townsend properties (Tax Parcel Nos. 5-33-11-78.03 and 78.04). Construction of the interconnections is not required, but easements should be provided on the plan and the site should be configured so that future connections can be accommodated without undue impact to the site.
- The site access must be designed in accordance with DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. This manual is available on-line at: http://www.deldot.gov/information/pubs_forms/manuals/subdivisions/pdf/

[Subdivision Manual Revision 1 proposed 060110.pdf](#). While compliance with the entire manual is required, as relevant, we direct your attention to the following areas in particular:

- Referring to Note 14 on page J-5 in Appendix J – General Notes for Construction Plans, please revise the note concerning the multi-modal (shared use) path to the following, **“A 15-foot wide permanent easement for a future 10-foot wide multi-modal path is hereby established, as per this plat.”**
- Referring to Chapter 3 – Site Plan Design, Section 3.6.5: Dedication of Right-Of-Way on page 3-19, please revises the right-of-way dedication note to the following, **“An additional 5’ of right-of-way is hereby dedicated to public use as per this plat”**.
- Referring to page J-7 in Appendix J – General Notes for Construction Plans, Note 8 concerning the maintenance of the multi modal path is required to be on the record plan.
- Referring to Chapter 5 - Design Elements, Section 5.2 – Entrance Design Guidelines, item 12 on page 5-12, no driveways or parking bays shall be located within 50-feet from the edge of shoulder or pavement of any type of functional classification roadway.
- Referring to Chapter 5 - Design Elements, Section 5.4 – Sight Distance, page 5-28, a sight distance triangle is required on the site plan.
- Referring to Chapter 5 - Design Elements, Figure 5-13 – Right Turn Lane Warrants on page 5-19, using the directional split of 60/40, the right turn ADT would be 75 trips, in which case a 220-foot long deceleration lane is warranted.
- Referring to Chapter 5 - Design Elements, Figure 5-19 – Length of Bypass Lanes, page 5-26, using the directional split of 60/40, the left turn ADT would be 50 trips, in which case a bypass lane or left turn lane is not warranted.
- Referring to Chapter 3 – Site Plan Design, Section 3.4.1.2 - Adjacent Entrances, on page 3-4, this site shall coordinate the entrance location with the Twin Cedars development, located directly across from this site. At one time Twin Cedars was permitted two (2) entrances from Route 20. Each entrance is to have a deceleration lane and left turn lane.

Further, this site shall coordinate the entrance improvements with the Twin Cedars development. Twin Cedars is required to improve Route 20 to two 12-foot wide travel lanes and two 8-foot wide shoulders.

Finally and more generally, the plan should show all existing entrances (residential and commercial) within 400-feet of the proposed entrance.

- Referring to Chapter 4 – Constriction Plans, Section 4.4 – Commercial Entrance Plan Checklist, on page 4-8, the roadway name and existing right-of-way for Route 20 should be labeled and any utilities that will need to be relocated as part of this project should be identified.
- Please see Appendix D – Plan Review Checklist, pages D-2 thru D-39, for the new checklists for all plan type submittals. Please visit the website below to determine whether a pre-submittal meeting is required, how to schedule one and what to bring to it.

http://www.deldot.gov/information/business/subdivisions/Subdivisions_Pre-submittal_Meeting_Requirements.pdf

- Referring to Chapter 1 – Introduction, Section 1.4 - Review Fees, the Initial Stage review fee discussed on page 1-8 shall be assessed to this project.
- Referring to Chapter 3 – Site Plan Design, Section 3.4 - Site Plan Requirements, page 3-3, a site plan shall be prepared prior to issuing “Letter of No Objection”. The following information will be required for the “Letter of No Objection” review;

Initial Stage Fee Calculation Form

Initial Stage Review Fee

Gate-Keeping Checklist – Site Plan

Design Checklist – Record Plan*

Owners and Engineer’s name and e-mail address

Three (3) paper sets of the Site/Record Plan

Conceptual Entrance Plan

CD with a pdf of the Site/Record Plan

Submission of the Area-Wide Study Fee (If applicable)

*For the design checklist of the site plan, please refer to the Standards and Regulations for Subdivision Street and State Highway Access under Appendix D; Plan Review Checklist, page D-2 and D-3.

- Referring to Chapter 1 – Introduction, Section 1.4 - Review Fees, page 1-8, the Construction Stage review fee shall be assessed to this project.

- Referring to Chapter 4 – Construction Plans, Section 4.4 - Commercial Entrance Plan Checklist, page 4-8, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review;

Construction Stage Fee Calculation Form

Construction Review Fee

Gate-Keeping Checklist – Entrance Plan

Design Checklist – Entrance Plan**

Three (3) paper sets of the Entrance Plan

SWM Report and Calculations (If applicable)

CD with a pdf of the Entrance Plan

**For the design checklist for the entrance plan shall, please refer to the Standards and Regulations for Subdivision Street and State Highway Access under Appendix D; Plan Review Checklist, page D-9 and D-13.

Please contact DelDOT Subdivision Manager for eastern Sussex County, Mr. John Fiori, if you have questions regarding these requirements. Mr. Fiori may be reached at (302) 760-2260.

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

TMDLs

- The project is located in the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. 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 State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; *State of Delaware Surface Water Quality Standards, as amended July 11, 2004*) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the Low Reduction zone of the Inland Bays watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction in bacteria from baseline conditions.
- A nutrient management plan is required under the *Delaware Nutrient Management law (3 Del. Chapter 22)* for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at 739-4811 for further information concerning compliance requirements, or view the following web link for additional information: <http://dda.delaware.gov/nutrients/index.shtml>

The adopted Inland Bays Pollution Control Strategy regulation was published in the Delaware Register of Regulations on November 11, 2008 and is now an enforceable

regulatory directive. A Pollution Control Strategy (PCS) is an implementation strategy that identifies the actions necessary (regulatory and nonregulatory) to systematically reduce the pollutant loading to a given water body, and meet the TMDL reduction requirements specified for that water body. These regulations can be reviewed at <http://regulations.delaware.gov/documents/November2008c.pdf> and background information, guidance documents, and mapping tools can be retrieved from http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

Water Supply

- The project information sheets state water will be provided to the project by Artesian Water Company via a public water system. Our records indicate that the project is located within the public water service area granted to Artesian Water Company under Certificate of Public Convenience and Necessity 04-CPCN-20.
- 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 associated with Twin Cedars Apartments located within 1000 feet of the proposed project.

Sediment and Stormwater Program

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. A project application meeting is required for this site. Contact the reviewing agency to schedule a project 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 (Delaware Code, Title 7, Chapter 40; Delaware Regulations, Administrative Code, Title 7, 5101).

Tank Management Branch. Please be aware:

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C. Chapter 60, 7 Del.C., Chapter 74 and DE Admin. Code 1351, State of Delaware *Regulations Governing Underground Storage Tank Systems* (the UST Regulations) is required.
- Per the **UST Regulations: Part E, § 1. Reporting Requirements:**
 - “Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
 - The Department’s 24-hour Release Hot Line by calling 800-662-8802; and
 - The DNREC, Tank Management Branch by calling 302-395-2500.”

Delaware State Fire Marshall’s Office – Contact Duane Fox 739-4394

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):

- **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 750 gpm for 1-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 mini-storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants.
- **Fire Protection Features:**
 - For commercial buildings greater than 10,000 sq. ft. Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sq. ft. or less
 - 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
 - An automatic sprinkler system shall be installed throughout all mini-storage buildings greater than 2500 sq. ft.

- **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 from State Route 20 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.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- 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.

- **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)
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

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

Soils

- Based on soils survey mapping update, Mullica (MuA) and Hurlock (HuA) are the principal soil mapping units mapped in the immediate vicinity of the proposed project. Mullica and Hurlock are wetland associated (hydric) soils that have severe limitations (considered unsuitable) for development. Building on such soils is likely to increase both on-site and off-site flooding potentials (See figure 2).



Figure 2: Soils mapping in the immediate vicinity of the proposed project area

Wetlands

- According to the Statewide Wetland Mapping Project (SWMP) maps, palustrine wetlands (PF04/SS3A & PF01/SS3A) were mapped in the area proposed for development (See Figure 1).

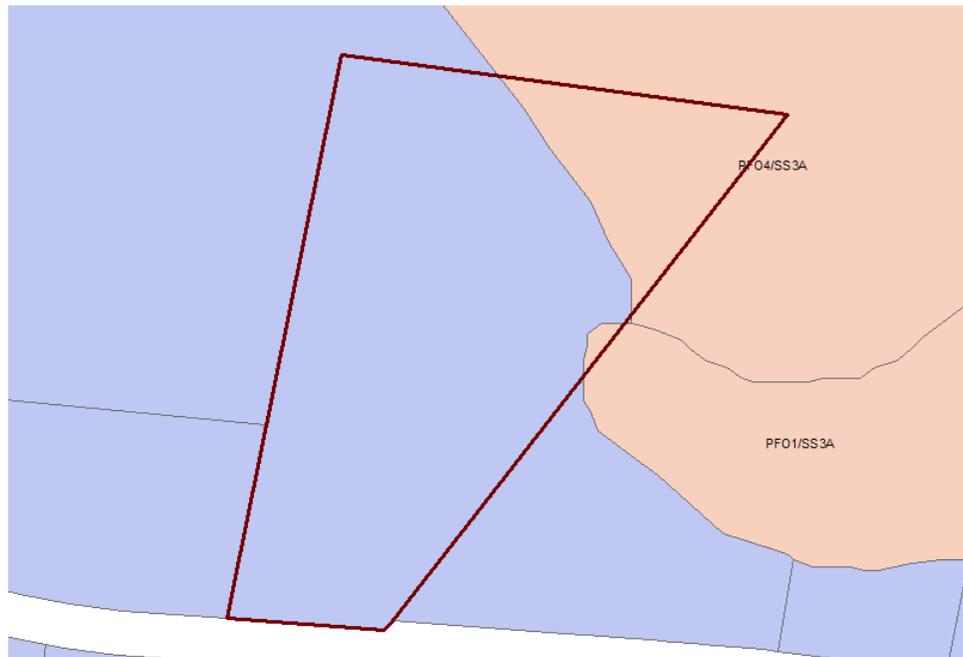


Figure1: SWMP mapping in the immediate vicinity of the proposed project

Additional information on TMDLs

- Maintain as much of the existing forest cover as possible. We further suggest additional native tree and native herbaceous planting wherever possible.
- Additional comments from Joanne Lee of the Wetlands and Subaqueous Lands Section: Based on the review of the information, a wetlands delineation (undated and unsigned) has been completed on the site. This delineation indicates that federally regulated wetlands under the jurisdiction of the Army Corps of Engineers are present on the site. The applicant should ensure that the wetland delineation is up-to-date and may want to have the COE approve the wetland line. The owner/developer may want to contact the U.S. Army Corps of Engineers at 215.656.6728 for information about their regulatory program.
- Maintain 100-foot buffer width(s) from all delineated wetlands (USACE and State approved wetland delineations). The USACE can be reached by phone at 736-9763.
- Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, and roads) included in the calculation.
- Since this is a commercial project that will likely generate large amounts of impervious cover, we strongly advise the use of pervious paving materials (instead of

conventional asphalt and concrete) as a BMP to reduce the impacts associated with surface imperviousness, wherever practicable.

- Utilize rain gardens, and green-technology storm water management structures (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant impacts via runoff from impervious surfaces.
- Voluntarily assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) that result from the conversion of individual or combined land parcels to a different land use(s), while providing applicants with quantitative information about their project’s impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact Lyle Jones at 302-739-9939 for more information on the protocol.

Natural Heritage and Endangered Species

- The Natural Heritage and Endangered Species Division scientists have not surveyed this project area; therefore, they are unable to provide information pertaining to the existence of State-rare or federally listed plants, animals or natural communities at this project site. They recommend that tree removal be minimized to the extent possible, especially from April 1 to July 31st when birds and other wildlife are utilizing forested areas for breeding.

Additional information on tank management.

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.
- 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 Tank Management Branch (TMB).
- Should the municipality anticipate being more restrictive than Delaware’s Regulations Governing Underground Storage Tank Systems or Delaware’s Regulations Governing Aboveground Storage Tanks, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.

Delaware State Fire Marshall’s Office – Contact Duane Fox 739-4394

- 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 698-4529

- 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 reduce heating and cooling costs. 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.

- The Delaware Department of Agriculture and the Delaware Forest Service encourage 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.

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, Office of State Planning Coordination

CC: Sussex County