



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

February 22, 2016

Mr. Kevin Minnich
250A Camden Wyoming Ave.
Camden, DE 19934

RE: PLUS review 2017-01-01; Dollar General

Dear Kevin:

Thank you for meeting with State agency planners on January 25, 2017 to discuss the Dollar General project. According to the information received you are seeking a rezoning and comprehensive plan amendment of 3.6 acres from AR to BG along Rt. 8 in Kent County.

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 Kent 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 application is located in a Level 4 area according to the *2015 Strategies for State Policies and Spending*. Investment Level 4 indicates areas where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new commercial business to an area where the State has no plans to invest in infrastructure upgrades or additional services. The intended development will need access to services and infrastructure such as police, and transportation. To provide some examples, the State government funds 100% of road

maintenance and drainage improvements for the transportation system, and 100% of the cost of police protection in the unincorporated portion of Kent County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this rezoning.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this rezoning and comprehensive plan amendment. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct any development, or any subdivision thereof on these lands.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request this meeting and guidance on what will be covered there and how to prepare for it is located at http://www.deldot.gov/information/business/subdivisions/Meeting_Request_Form.pdf.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, we see that the total daily trips are estimated at 427 vehicle trip ends per day. Using rates developed from other Dollar General stores, we estimate this store would generate 399 vehicle trip ends per day, of which 49 would occur during the weekday evening peak hour.

While the proposed development would not warrant a TIS, it would generate more than 200 vehicle trip ends per day and therefore, per Section 2.3.2 of the Manual, DelDOT could require a Traffic Operational Analysis (TOA) if we determine in the plan review process that a TOA is needed to address a concern about the proposed site entrance. As

discussed below, DelDOT anticipates requiring that all access be by way of Winding Creek Road. This change to the plan will likely create a need for turning lanes at the intersection of Route 8 and Winding Creek Road. As necessary, DelDOT will require a TOA to more rigorously examine the need for those lanes.

- In accordance with Section 2.5.2 of the Manual, DelDOT anticipates requiring the applicant to improve the section of Winding Creek Road where they have frontage to match the typical section provided in Figure 3.2.5-b. As a practical matter, this work is likely to be incidental to the entrance construction, in which case DelDOT will not require a separate Off-Site Improvement Agreement.
- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Delaware Route 8 and Winding Creek Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 8 and Winding Creek Road. By this regulation, this dedication is to provide a minimum of 40 feet from the physical centerline of Route 8 and 30 feet from the physical centerline of Winding Creek Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both Delaware Route 8 and Winding Creek Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat.**"
- In accordance with Section 3.4 of the Manual, a record 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
 - Sight Distance Spreadsheet
 - Owners and Engineers' name and e-mail address
 - Record Plan
 - Conceptual Entrance Plan

- Submission of the Area-Wide Study Fee (If applicable)
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the proposed entrance on Delaware Route 8 and within 300 feet of the proposed entrance on Winding Creek Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.5.4.2.A.4 of the Manual, DelDOT may require construction of a sidewalk along the property frontage on both Delaware Route 8 and Winding Creek Road. A decision in this regard will be made during the plan review process.
- Referring to Section 4.3 of the Manual, 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
 - Auxiliary Lane Spreadsheet
 - Entrance Plan
 - Pipe/Angle Spreadsheet (If applicable)
 - SWM Report and Calculations (If applicable)
- Delaware Route 8, as a Minor Arterial road, is in a higher functional class than Winding Creek Road, which is a Local road. Section 5.2.2.C of the Manual provides that when a parcel of land is being developed that fronts on a major road and a minor road, the access to this parcel should be from the minor road and not from the major road. Accordingly, the proposed access on Route 8 should be eliminated and the access on Winding Creek Road should be designed to serve all site traffic.
- In accordance with Section 5.2.5.6 of the Manual, Turning Movement Diagrams shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be

used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at

http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/information/business/subdivisions/Intersection-Sight-Distance.xls>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Executive Summary

Upon reviewing the Dollar General project, DNREC has identified that the proposed project is located on a site with few environmental concerns. Opportunities exist to improve site and building performance while reducing environmental impacts and operation/ maintenance costs.

The site is within the St. Jones River watershed, which has an established Pollution Control Strategy for nitrogen, phosphorus and bacteria reductions. To maintain surface water quality and drinking water quality, the developer is encouraged to minimize impervious surfaces within developed areas and use green infrastructure technologies where possible. These efforts will help to meet stormwater management requirements, protect the water supply and minimize impacts to nearby habitat.

DNREC recommends preserving the forested wetlands on the northern and western boundaries of this parcel, which appears to be accomplished in this project design. Additional abundant use of native vegetation and shade trees throughout the landscape will help to absorb carbon dioxide, protect water quality and provide relief to customers on hot days.

The proposed development will result in increased impervious surface and new sources of greenhouse gas emissions. The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that

provides access to public transportation, opportunities to walk and bike, and that employs energy efficient building standards are among key strategies to meet these goals. We encourage the developer to integrate high-performance building attributes, including energy efficiency, durability, along with consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting buildings to take advantage of solar and geothermal systems, and/or incorporating infrastructure for alternative fuels, including electric vehicle charging stations.

The following pages provide information about code requirements and detailed recommendations associated with this project, from various DNREC Divisions. We strive to be a partner in creating sustainable development that protects environmental features and adds value to the community. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner. Contact information for specific offices are listed below or you can contact Michael Tholstrup at (302) 735-3352.

Water Quality- TMDLs and Nutrient Management

- The project is located in the greater Delaware River and Bay drainage area, specifically within the St. Jones River watershed. The Total Maximum Daily Load (TMDL) for this watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent reduction in bacteria from baseline conditions. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” 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 specific TMDL nutrient and bacterial load reductions for the St. Jones watershed can be viewed here: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>
- A nutrient management plan is required under the *Delaware Nutrient Management Law* (3 Del.C., 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 (302) 739-4811 for further information concerning compliance requirement, or view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

Water Supply

- DNREC records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity PSC-1190. DNREC recommends that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a Certificate of Public Convenience and Necessity (CPCN) from the

Public Service Commission. Information on the CPCN and the application process can be obtained by contacting the Public Service Commission at (302) 736-7500.

- Should an on-site Public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area, stormwater management ponds, and it must also be located at least 150 feet from the outermost boundaries of the project. 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 four weeks to process.

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. 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 Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and

	from site to prevent visible emissions.
7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> • Use structural/ paint coatings that are low in Volatile Organic Compounds. • Use covers on paint containers when paint containers are not in use.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>

Hazardous Waste

- If it is determined by the Department that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.
- 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. SIRS should also be contacted as soon as possible at (302) 395-2600 for further instructions.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There was a known farm with outbuildings (K-6899) on this parcel. According to the aerial photos of 2007 and 2012, the farm was demolished, and there may be archaeological resources associated with it. With this in mind, be aware of the Unmarked Human Burials and Human Skeletal Remains Law.

- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please go to the following websites for additional information: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources such as a cemetery or unmarked human remains, and plan to avoid those sites or areas.

- 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 cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: www.achp.gov.

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, appearing to read "Constance C. Holland".

Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Kent County