



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 21, 2018

Thomas Schreier
Hillcrest Associates, Inc.
P.O. Box 1180
Hockessin, DE 19707

RE: PLUS review 2018-05-10; Nassau Property

Dear Thomas:

Thank you for meeting with State agency planners on May 23, 2018 to discuss the proposed plans for the Nassau Property project. According to the information received you are seeking review of a rezoning of 15 acres from AR-1 to CR-1 & MR in anticipation of a site plan for 150 residential units and 4,700 square feet of commercial space along Rt. 1 in Sussex 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 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 3 and 4 according to the *Strategies for State Policies and Spending*. 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 may support future growth in these areas, but please be advised that the State has other priorities for the near future. Investment Level 4 indicates 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. We encourage you to design

the site with respect for the environmental features which are present on the site which in your case is forested area which is the area located in Level 4 of our strategies.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct high-volume, driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A). Therefore, all site access must be developed along Old Mill Road, not on Delaware Route 1.

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. When that occurs, access on the service road may be permissible but that conversion should not be expected until after the subject development is complete.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr_cap/index.shtml.

- The site access on Old Mill Road must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.
- 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 Development Coordination 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. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 150 condominiums would generate 816 vehicle trip ends per day on weekdays and

presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500 vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at <https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml>. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

Presently, Old Mill Road has 10-foot lanes and lacks shoulders. DelDOT's standard for local roads is 11-foot lanes and 5-foot paved shoulders. At a minimum, the applicant should expect a requirement to improve Old Mill Road to meet that standard in both directions from Route 1 to the north limit of their frontage.

- 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 Old Mill Road and Delaware Route 1. 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 Old Mill Road and Delaware Route 1. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Old Mill Road and 30 feet of right-of-way from the outer edge of the northbound through lanes on Delaware Route 1. 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 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
- 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 Old Mill Road and Delaware Route 1. 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 for 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 record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at <https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017>.
- 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 300 feet of the proposed entrance on both roads.
 - Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the City’s requirements for connectivity.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT’s discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage.

- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.
- Because the proposed development is to be constructed in the proximity of a road with a functional classification of principal arterial, freeway or interstate, specifically Delaware Route 1, the developer will be required to perform a noise analysis in accordance with DelDOT's Noise Policy, found in Section 3.6 of the Manual and may be required to provide noise abatement for residents based on that analysis.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along both Old Mill Road and Delaware Route 1.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items_Entrance_Construction_Subdivision.pdf?09222017.
- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan 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 entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- 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/Business/subdivisions/index.shtml>.
- 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.
- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial

entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.

- 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

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If you would like to see more information, please review the following websites:

www.history.delaware.gov/preservation/umhr.shtml and
www.history.delaware.gov/preservation/cemeteries.shtml.

- If there is federal involvement, 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). 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

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 the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Old Mill Road or Delaware Route 1.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed with this letter.

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.

PLUS review 2018-05-10

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Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Sussex County

Enclosure

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER

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Sussex County

DELAWARE
sussexcountyde.gov

June 7, 2018

Mr. Thomas Schreier
Hillcrest Associates, Inc.
P.O. Box 1180
Hockessin, DE 19707

RE: PLUS Review (PLUS 2018-05-10)

Dear Mr. Schreier,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman
*Housing Coordinator &
Fair Housing Compliance Officer*



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