



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 21, 2018

Frank Kea
Solutions IPEM
303 North Bedford Street
Georgetown, DE 19947

RE: PLUS review 2018-05-16; Groome

Dear Frank:

Thank you for meeting with State agency planners on May 23, 2018 to discuss the proposed plans for the Groome project. According to the information received you are seeking review of a 293 unit subdivision on 134.6961 acres partially in Level 4 along New Road 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 predominately within Level 3 according to the *Strategies for State Policies and Spending* and within the Environmentally Sensitive Developing Area according to the most recently certified Sussex County plan. There is Level 4 on the perimeter of the property in relation to the environmental features on or near the perimeter. 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. The state encourages you to design the site with respect for the environmental features which are present. 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.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Because the site fronts on New Road (Sussex Road 266), which is part of the Historic Lewes Byway, the applicant should expect the following requirements, some of which are reiterated elsewhere in these comments:
 - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off New Road within 660 feet of the closest right-of-way edge.
 - Byways signs may be required along New Road.
 - There is a New Road Master Plan in consideration for funding for implementation with DelDOT, the Historic Lewes Byway Committee, Sussex County, and other key stakeholders (including developer). Funding has been requested. As part of that work, a typical cross section for future roadway and right-of-way improvements in consideration of context sensitive design solutions for Byway Transportation Corridors will be developed. The Master Plan and the cross section have yet to be developed but, once developed, DelDOT will consider them in determining the off-site improvements they will require along New Road.
 - West of Lynn Road (Sussex Road 266A), an internal sidewalk connection to the Shared Use Path along New Road should be included between lots 37 and 49 situated on the west end of Lynn Road. East of Lynn Road, the site plan shows three internal sidewalk connections.
 - Shared Use Paths should be provided along both sides of Lynn Road and across the entire property frontage on New Road. Extension of the path to Old Orchard Road and to Schaffer Lane would be consistent with byway management goals and, likely, with future Master Plans for this corridor.
 - As part of the plan review process, the applicant may be required to look for context sensitive design solutions with regard to the location and screening or buffering of their development from New Road. Landscaping or landscaping design placed in public right of way or within dedicated easements may be dictated.
 - The applicant may be asked to work with, or provide updates, to the Lewes Byway Committee and per implementation of the New Road Master Plan. Contact Byways

Chair, Ms. Gail Van Gilder, or her designee. Ms. Van Gilder may be reached at gailvangilder@gmail.com or (302) 540-2433.

- The site access on Lynn Road (Sussex Road 266A) 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 2,812 vehicle trip ends per day. DelDOT calculates that the development would generate 2,795 vehicle trip ends per day on weekdays. Regardless, the 500 vehicle trip ends per day would be exceeded, so DelDOT will require a TIS.

The developer's traffic engineer has submitted a TIS, which DelDOT is now reviewing. DelDOT expects to contact the developer in July to discuss their findings.

Three off-site improvements that DelDOT can readily identify without a TIS or TOA are as follows:

- A contribution to DelDOT's project to realign Old Orchard Road at Wescoats Corner. That project is presently scheduled for construction in Fiscal Years 2020 and 2021 with a total cost of \$4,025,000. More information on the project is available at <https://www.deldot.gov/information/projects/OldOrchardRoad/index.shtml>. This development's contribution would be proportional to its contribution to traffic in the affected area.
- A contribution to DelDOT's SR 1, Minos Conaway Grade Separated Intersection project. The DelDOT project 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.

- Improvements to Lynn Road and New Road to meet DelDOT standards. DelDOT's standard for local roads, such as Lynn Road, is 11-foot lanes and 5-foot paved shoulders. DelDOT's standard for collector roads, such as New Road, is 12-foot lanes and 8-foot paved shoulders, although they may depart from this standard based on the Master Plan for New Road once that Plan is adopted. At a minimum, the applicant should expect a requirement to improve Lynn Road and New Road to meet the above standards in both directions within the limits 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 Lynn Road and New 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 Lynn Road and New Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Lynn Road and 40 feet from the physical centerline of New 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 3.2.5.1.1 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 both Lynn Road and New 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 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 entrances.
- 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 County's requirements for connectivity.
- Referring to Section 3.5.4.2.A of the Manual, all developments generating 2,000 or more vehicle trip ends per day are required to install a sidewalk or Shared Use Path along their frontage. DelDOT anticipates requiring a Shared Use Path along both sides of Lynn Road and along the north side of New Road within the limits of 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.
- 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 Lynn Road and New Road.
- 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

- The SHPO has significant concerns about this proposed development, and as a policy does not recommend development in Level 4 areas. The proposed development will affect several known resources, and impact areas with a very high potential for significant archaeological sites and burials.
- The Prettyman Cemetery (S11639) is on the parcel, located north of New Road and southwest of Lynn Road. The cemetery contains at least one historic period burial, may have additional unmarked burials and may be part of a larger archaeological site. An archaeological survey should be conducted to fully delineate the boundaries of the cemetery so that it may be protected from development, in consultation with descendants.
- There is also a two-and-a-half story house (S00935) which would be affected by development. A causeway site known as the Parson's Causeway Site (S00526) was recorded on the northern part of the parcel. The Ritter 1 Archaeological Site extends into the project area. The Ritter Site was investigated in the 1950s, but work on the subject property was limited at that time; the full nature and extent of archaeological deposits are not known. Historic documents also indicate areas on the property that may have a high potential for historic period archaeological sites.
- A number of other significant sites have been identified on adjacent parcels, and Native American burials have been found in the surrounding area. The developer should be aware that if unmarked burials (historic or Native American) were to be discovered, either through

archaeological investigation or construction, the discovery would be subject to Delaware's law protecting Unmarked Human Burials and Skeletal Remains (please see 7Del.C. Ch.54).

- Given the nature of known and potential resources, this office has previously advocated that a comprehensive archaeological survey of the property be conducted, and has offered technical assistance. The PLUS application indicates the site was evaluated for historic and/or cultural resources. **The Delaware SHPO requests a copy of all studies performed on the property in order to give informed guidance on the protection of archaeological resources per 7Del.C.Ch. 53.**

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

- It may be observed that most of the land north of the subject development on Lynn Road is proposed for purchase by the State of Delaware and is therefore less likely to be developed. While a specific use for that land, Tax Parcel No. 335-7.00-1.00, has not been established, DelDOT assumes that it will not remain in agricultural use. The developer should expect that the improvements DelDOT will require along Lynn Road will need to continue at full width to their north property line.
- In accordance with Section 3.5.4.4, and similar to the three access-ways shown east of Lynn Road, access-ways should be provided to connect the internal streets west of Lynn Road to New Road. Functionally, the best locations would be between Lots 37 and 38 and between Lots 48 and 49 but the grass strip locations shown (between Lots 41 and 42 and between Lots 46 and 47) may be acceptable.
- DelDOT suggests that the 15-foot permanent easement that is to be established for the Shared use Path be enlarged in anticipation of landscaping or buffer needs? This is a developer option if deemed appropriate. Landscape screening or berming is encouraged under the Historic Lewes Byway's Corridor Management Plan.
- Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision streets. DelDOT recommends that monuments be furnished and placed along the proposed streets in accordance with this section.
- 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 Lynn Road or New Road.

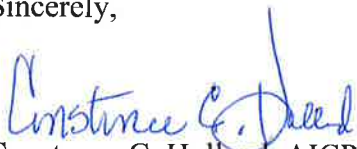
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now 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 letters from Representative Stephen Smyk, Sussex County Housing Coordinator & Fair Housing Compliance Officer Brandy Nauman, and Lewes Mayor Ted Becker. A copy of each 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.

Sincerely,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Sussex County

Enclosures: Letter from the Honorable Stephen Smyk, Representative, 20th District
Letter from Brandy Nauman, Sussex County
Letter from the Honorable Ted Becker, City of Lewes

STEPHEN T. SMYK
STATE REPRESENTATIVE
20TH District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Rec'd 2:21
Cmri Hall 5/24
COMMITTEES
Corrections
Energy
Judiciary
Public Safety &
Homeland Security
Veterans Affairs

May 23, 2018

Constance Holland
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Dover, DE 19901

Ms. Holland:

The proposed development of the Groome Church property raises numerous concerns about the impact it will have on New Road.

New Road is already overburdened and inadequate to serve in its present capacity. It is narrow, has no shoulders, and includes a crossing over Canary Creek that is susceptible to flooding.

As development in the area has increased, so has traffic on New Road. Congestion at the Five Points intersection has motivated many Lewes-bound motorists to use it as an alternative to reach the city. Additionally, the state's upgraded boat launch facility at Roosevelt Inlet has increased the number of vehicles towing large fishing and pleasure craft along the road.

Likely to add to this burden is a grade-separated intersection the Delaware Department of Transportation has proposed for Delaware 1 and Minos Conaway Road, just to the north of Nassau Road. Should this improvement be made, it will facilitate the flow of even more traffic onto New Road.

Recently, I joined with State Sen. Ernest Lopez to collectively contribute \$47,000 toward the creation of a New Road Corridor Master Plan to focus on the area between Nassau Road and Pilottown Road. This corridor is designated as one of our state's scenic byways. The study will examine the best way to make future modifications that could include widening the road; the installation of shoulders and new turning lanes; walking/biking/jogging paths; and landscaping.

With these factors in mind, I would urge your group to do the following as it considers a development that could add nearly 300 additional homes to be serviced by New Road.

- Require ample right-of-ways to accommodate the aforementioned future New Road Corridor enhancements.
- Require preservation of as much of the property's natural habitat as possible.
- Be mindful of the area's unique historical, cultural, and natural attributes and require a plan that does not unnecessarily detract from these elements.

I hope your group will recognize that building homes on this particular parcel is especially sensitive and that it will incorporate the concerns I have cited into its deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen T. Smyk". The signature is written in a cursive style with a large, sweeping initial "S".

Stephen T. Smyk
20th Representative District

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T
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Sussex County

DELAWARE
sussexcountyde.gov

June 7, 2018

Mr. Frank Kea
Solutions IPEM
303 N. Bedford Street
Georgetown, DE 19947

RE: PLUS Review (PLUS 2018-05-16)

Dear Mr. Kea,

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*



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

The City of Lewes



May 16, 2018

Constance C. Holland, AICP
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd, South
Dover, DE 19901

RE: PLUS 2018-05-16 Groome Property

Dear Mrs. Holland:

Please accept the following comments from the City of Lewes as you review the development plan for the Groome Church property on New Road. New Road is a narrow, country road that has served for many years as a secondary entrance to Lewes. Over the years, New Road has seen an increase in traffic due to development, the location of the State's boat ramp off of Pilottown Road, the expansion of operations at the University of Delaware Campus as well as Beebe Hospital, and the heavy traffic often experienced on Kings Highway and Savannah Road. DelDOT has plans to create a grade separated intersection at Minos Conaway Road, which will make it safer and more convenient for travelers to use New Road to access Lewes. DelDOT is currently reviewing the effect that this modification is expected to have on New Road. During this construction phase New Road will likely become a primary route, such volumes will continue with increasing development in the area based on current State and County land use policies. The addition of 293 homes at the Groome Church property will add to this traffic volume, and the City believes it is imperative that the developer and DelDOT address the long-term needs of New Road. Estimates suggest that there are approximately 5,000 trips/day using New Road, this development alone would increase these volumes by over 50% or an approximately 2,800 trips/day alone. Specifically, we ask that the following be addressed in the development review process:

1. We believe that a traffic impact study (TIS) should be required and that paying a fee toward traffic studies should not be an option. The TIS scope should include the projections for the increase in traffic that would be anticipated by the proposed construction of a grade-separated intersection at Minos Conaway Road and Route 1, as well as any other improvements that may add additional traffic to New Road.
2. The developer should be required to dedicate sufficient right-of-way to allow for both short-term and long-term improvements to the roadway, including roadway widening to accommodate additional volumes and turning movements, addition of a bike lane, and

The First Town in the First State

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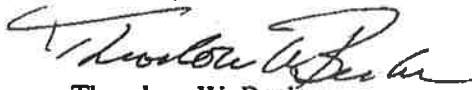
a multi-use path along the frontage. Consideration should be given to the possibility of expanding the roadway to four travel lanes if needed in the future.

3. The bridge over Canary Creek is prone to flooding. The developer should be required to participate in the necessary upgrades to the bridge to raise it above the base flood elevation. Development in Lewes along the New Rd corridor has resulted in this bridge being used as a primary evacuation route during a storm event. The proposed development will add increase the use of New Road for both ingress and egress to the city of Lewes.
4. The plan, as presented, only provides for one point of access to New Road. Given the number of units proposed, we believe that two access points to New Road are necessary.
5. We are very concerned about the proposed removal of 23 acres of forested area. We recommend that the developer utilize the County's cluster approach to protect upland forest in addition to adequately buffering the wetlands.
6. Based on the conceptual layout a number of new homes will be located close to New Road. It is recommended that the applicant work with members of the Historic Lewes Byways Committee to discuss opportunities to increase the buffer and/or add a screen that helps maintain the character of the New Road Byway.

The area along the New Road corridor is one of the more environmentally sensitive areas of Lewes with Canary Creek and the Great Marsh. In addition to ensuring that the development adequately addresses impacts on the transportation network, we encourage the developer to use a design that minimizes impacts on these sensitive environmental resources.

The City of Lewes is working with our Historic Lewes Byways Committee, DelDOT and Sussex County to create a master plan for New Road. We are hopeful that this plan will help to appropriately manage development in this area in a way that is compatible with the natural environment and the transportation system.

Sincerely,



Theodore W. Becker
Mayor

cc: City Council
Michael Hahn, Byways Coordinator