

SCOTT ENGINEERING, INC.
Consulting Engineers • Surveyors • Land Planners

October 31, 2006

Constance C. Holland, AICP
State Planning Director
Office of Management and Budget
State Planning Coordination
122 William Penn Street
Third Floor
Dover, DE 19901

RE: Rezoning Request
Lands of Inez D. & Elijah C. Bailey, Sr.
TMP No. LC-00-047.00-01-48.00-000
For Joshi Construction Company
PLUS 2006-07-13
Project No. 3033

Dear Ms. Holland,

An application to rezone 3.5 acres of land of Inez D. & Elijah C. Bailey, Sr. for Joshi Construction has been submitted to Kent County for their review and consideration. It is proposed that the property be rezoned from IG to BG. In accordance with your requirements, this letter is an attempt to respond to comments made at the PLUS meeting held July 26, 2006 on the above referenced property. Comments to PLUS are as follows:

- **Office of State Planning Coordination** - We are in agreement with the Office of State Planning Coordination in that the rezoning of this property is at the discretion of Kent County Levy Court and is located in Investment Level 2 in which the state supports growth. This site is also located in the Kent County Growth Zone. A comprehensive plan amendment has been applied for concurrently with the zoning request change.
- **Division of Historical and Cultural Affairs** – It is proposed that the historic house (K-3153) within this parcel be demolished. Our client agrees to work with the DHCA to allow them to document the structure prior to demolition. In addition, he agrees to provide sufficient landscaping in future plans to screen and protect the neighboring historic house on the parcel to the south from the view and noise of any commercial development.
- **Department of Transportation (DOT)** – Subsequent meetings following the PLUS meeting were held with DelDOT and a conceptual plan was presented along with

preliminary trip generation data provided for the site. As a result, DeIDOT has agreed that a traffic impact study (TIS) will not be required for this application (see attached letter from T. William Brockenbrough, Jr.). It is understood that there is a crossover opposite the site frontage of this property; however, it is also understood that left-turn movements will not necessarily be approved. We have had discussions with DeIDOT regarding the existing crossovers and turn lanes and will evaluate the operation of the site entrance during the Site Plan preparation phase for future proposed development. Our client has agreed to work closely with the (DOT) as it relates to the entrance design and offsite improvements as it relates to this site.

- **The Department of Natural Resources and Environmental Control (DNREC) –**

Soils – The majority of the property, approximately 95 percent, is mapped as Sassafras soil with a small portion in the rear of the property mapped as Fallsington soil. There is no building construction proposed in the portion of the property mapped with the Fallsington soils. During the Site Plan design stage, soil borings will be taken to determine the types of soil present at the location of any proposed buildings and the seasonal high groundwater table will be determined. Stormwater management practices recommended and approved by DNREC and KCD will be utilized to prevent flooding of adjacent properties as a result of development of this property.

Wetlands – A wetlands field delineation has been performed on this property. It has been determined that a small area of wetlands exists along the ditch running along the easterly property line of this parcel. No disturbance or impact to the wetlands is proposed. However, our client understands that individual 404 permits and certain Nationwide Permits from the ACOE also require 401 Water Quality Certification from DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. These permits, if required, will be addressed during the Site Plan design stage of any future development. Site design will take into consideration and address the recommended DNREC buffers from existing wetlands and required Kent County wetland buffers.

Impervious Cover – Our client is agreeable to pursuing feasible and cost effective best management practices (BMPs) to help reduce the surface imperviousness as it relates to the development of this site. We will work with DNREC and KCD during the Site Plan design stage to implement such practices.

TMDLs – Once a working model of the nutrient budget protocol is released by DNREC we will acquire the model and verify the project's compliance with the specified TMDL loading rates, which are yet to be established for this watershed. Buffers, BMPs and BATs will be utilized during the Site Plan design stage of the project in order to address the TMDLs established for this watershed.

Groundwater Recharge – Our client has been made aware that this site falls within and excellent ground-water recharge area. The maximum allowable impervious area allowed by Kent County zoning regulations under the proposed zoning is 75 percent.

However, we will during the Site Plan design stage investigate and consider augmenting the groundwater recharge with such methods as infiltration systems, clean rooftop-run-off systems and other feasible alternatives to maintain the quality and quantity of water recharge to the underlying aquifer.

Water Supply – We will be contacting Tidewater Utilities to determine the availability of access to their central water supply system and their ability to provide water to this site. Well permits for dewatering will be applied for if found to be necessary for the construction practices proposed.

- **Sediment and Erosion Control/Stormwater Management** – During the Site Plan Design stage for this property a detailed Sediment and Stormwater Management Plan will be submitted to the Kent Conservation District for approval prior to any land disturbing activity in excess of 5000 square feet.
- **Drainage** – During the Site Plan design stage for this project the client and his engineer agree to take precaution to ensure that the project does not hinder any off site drainage upstream or downstream of the project or create any off site drainage problems by the release of on site storm water. Existing downstream ditches and pipes will be checked for function and blockage prior to construction and release of water from the developed site. If a change in the volume of water released is expected, downstream landowners will be notified. However, an increase is not expected.
- **Nuisance Waterfowl** - A stormwater pond is most likely planned for this site. We will take into consideration during the Site Plan Design stage the type, design, size, configuration, and landscaping (tall grasses, flowers, shrubs, trees, etc.) to minimize geese problems.
- **Underground Storage Tanks** – The Tank Management Branch will be notified if any underground storage tanks or petroleum contaminated soil is discovered during construction.
- **Site Investigation and Resotation** – This site does not appear to be negatively impacted by any SIRB sites near this project.
- **State Fire Marshal's Office** – During the Site Plan design stage we will take into consideration the requirements outlined by the State Fire Marshal's Office with regard to water supply, storage, pressure and volume for fire protection and other requirements and make a formal submission to the State Fire Marshal's Office.

Department of Agriculture – During the Site Plan design stage we will investigate and consider augmenting the groundwater recharge with such methods as infiltration systems, clean rooftop-run-off systems and other feasible alternatives to maintain the quality and quantity of water recharge to the underlying aquifer. A landscape design will also be prepared to take into consideration the "Right Tree for the Right Place". It is not anticipated that any trees will need to be removed from the site.

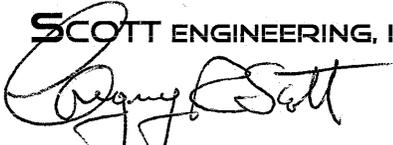
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- **Public Service Commission** – Any expansion of natural gas or installation of a closed propane system will be installed in accordance with Pipeline Safety guidelines.

I believe that the above addresses the comments under the PLUS program. Please do not hesitate to contact me should you have any questions.

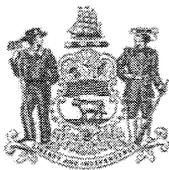
Sincerely,

SCOTT ENGINEERING, INC.



Gregory R. Scott, P.E.

Cc: Mr. Kelly Crumpley - Kent County Planning Office
Kirti P. Joshi – Joshi Construction, Inc.



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

September 6, 2006

Mr. Merritt Savage
Planning Supervisor
Department of Planning Services
Kent County Administrative Complex
555 Bay Road
Dover, DE 19901

Dear Mr. Savage:

In a July 19, 2006 letter (enclosed), we recommended that a Traffic Impact Study (TIS) be required for the **Kirti Joshi** rezoning application number K-06-06-01. The subject land is a 3.50-acre parcel located on the east side of US Route 13 (Kent Road 2) and north of Rose Bowl Road (Kent Road 154). The land is zoned IG (General Industrial) and the applicant seeks a rezoning to BG (General Business) for a retail use.

On September 6, 2006, we met with Mr. Joshi and representatives from Scott Engineering, Inc., a consulting engineering firm he retained, to discuss our previous recommendation of requiring a TIS. Based on a detailed explanation of the proposed use, we do not recommend that a Traffic Impact Study (TIS) be performed for this application.

Please contact Mr. Todd Sammons, at (302) 760-2134, if you have questions concerning this correspondence at (302) 760-2124.

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator

TWB:tsm
Enclosures

cc: Gregory R. Scott, Scott Engineering, Inc.
Constance C. Holland, State Planning Coordinator, Cabinet Committee on State Planning Issues
Darrel Cole, Chief of Community Relations, Public Relations
Kathy English, Director, Finance
Joseph Cantalupo, Assistant Director, Statewide and Regional Planning
Theodore G. Bishop, Assistant Director, Development Coordination
Marc Cote, Subdivision Engineer, Development Coordination
William J. Dryden, Transportation Planner, Project Development South, DOTS
Brad Herb, JMT
Todd J. Sammons, Project Engineer, Development Coordination
Troy Brestel, Project Engineer, Development Coordination

