



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

April 2, 2009

Constance C. Holland, AICP
Director
Office of State Planning
540 South Dupont Highway, Suite 7
Dover, Delaware 19901

RE: Response Letter to PLUS Review
OCEAN PARK – (a.k.a. CEDAR GROVE BUSINESS CAMPUS)
Lewes Rehoboth Hundred, Sussex County Delaware
2007002.00

Dear Ms. Holland:

On behalf of our client, Bariglio Inc., please accept this letter as our response to the PLUS comments dated July 18, 2007 for the above referenced project. The comments we received were in relation to our meeting with State agency planners on June 27, 2007. Our response to the specific comments we received from each State agency are as follows:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The OSPC has no objection to the proposed rezoning of this parcel from AR-1 to B-1 to allow for the permitted use of the proposed medical center and would encourage the applicant to work with Sussex County Planning and Zoning to meet all necessary requirements to ensure compliance with the current 2003 Comprehensive Land Use Plan.

In addition, this office recognizes that the proposed project is within the Environmentally Sensitive District of Sussex County. This office would recommend that the developer work with DNREC to allow for better site design to meet their many environmental concerns within this area as well as to work with DEL-DOT to address their continued concerns regarding traffic within this region as that office continues to plan for the Western Parkway Project. If you have any question please contact my office.

Response: See specific agency comments below.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

The historic resources at the Division of Historical & Cultural Affairs- State Historic Preservation Office does show that there are two known Cultural Resource Survey (CRS) sites on or with area of where this parcel is located. They are S-995 and S-11548.

S-995 is in reference to a dwelling/house, along with a shed, which was on this parcel at one time, but it was-demolished, and the date demolished is unknown. It is also possibility that there could be prehistoric-period or historic-period archaeological sites still existing on this parcel, or within the area of where this parcel is located.

S-11548 refers to the Ebenezer Cemetery, which is near this particular parcel/property. It is on the East side of Cedar Grove Road just south of Plantations Rd. There is also a plaque located on the site, and it was reference to the site of the Ebenezer Methodist Episcopal Church, which was built in 1822. A new church replaced the original in 1876, and that church was-demolished in 1955. There are approximately 150 head and footstones in the cemetery with the earliest dating to the mid-19th century and the most recent, the 1940s. The majority of the stones are from the 19th and earth 20th centuries.

BECKER MORGAN GROUP, INC.

309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

SOUTHBANK OFFICE PARK
307 A STREET
WILMINGTON, DE 19801
302.888.2600
FAX 302.888.2427

PORT EXCHANGE
SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.341.7506

If this development goes forward, they would appreciate the opportunity to document the farmstead prior to any demolition activities. They also request that the developer include sufficient landscaping to protect any nearby historic agricultural properties as much as possible. If you would like to discuss this information or other issues further, you are certainly welcome to contact the Division of Historical & Cultural Affairs at (302) 744-7400 ext.25.

Response: The site is currently vacant. The applicant acknowledges that the site is near an existing cemetery. However, it should be noted that there is a vacant parcel which separates the subject parcel and the Ebenezer Cemetery. In addition, the applicant will permit the Office of Historical and Cultural Affairs to document the existing site prior to construction. The applicant intends to provide sufficient landscaping as requested.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The Bariglio Corporation (Todd Bariglio) seeks to develop an approximately 45,000 square foot general and medical office complex on an approximately 5-acre parcel (Tax Parcel 3-34-12.00-51.00) located on the southwest corner of Cedar Grove Road (Sussex Road 283) and Plantation Road (Sussex Road 275). The land is zoned MR in Sussex County and rezoning to B-1 is needed to permit the proposed development.

On June 20, 2007, we wrote to Sussex County regarding the rezoning application for this project. A copy of our letter is enclosed. As explained in that letter, we would typically require a traffic impact study (TIS) for a commercial rezoning of this size. In this case, however, the developer has offered to realign the east end of Cedar Grove Road opposite Postal Lane, and DelDOT is negotiating with them in this regard. From a previous proposal to develop this site, they already have a plan for the realignment. In DelDOT's estimation, this realignment and a signal agreement for the intersection of Plantation Road, Postal Lane and Cedar Grove Road, would be the main requirement resulting from a TIS anyway. Therefore, if they can successfully complete this negotiation and obtain an adequate commitment to an acceptable realignment and a signal agreement, DelDOT will not require a TIS. In either case, DelDOT will advise Sussex County as to the outcome of our negotiations.

DelDOT has not seen a site plan for the subject development and therefore they have no comments in that regard now.

Response: The applicant has met with DelDOT regarding the realignment of Cedar Grove Road and is intending to make a proportionate financial contribution towards the improvements. In addition, the applicant intends to dedicate an additional 10 feet of right of way along Plantations Road in accordance with the road classification as a major collector roadway.

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

Water Supply

The project information sheets state that water will be provided to the project by connecting to an existing system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15. It is recommended 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 CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. 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. 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.

Response: It is our intent to connect to Tidewater's water system. We have been in contact with Tidewater in this regard.

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.

Response: At this point, dewatering is not anticipated. However, if dewatering becomes necessary during the construction phase, the proper permits will be obtained as required.

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.

Response: On site well's are not anticipated for this project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

The Stormwater program has no objection to the rezoning request. However, prior to land disturbing activity greater than 5,000 square feet, and as soon as possible prior to site plan development if possible, the applicant should contact the Sussex Conservation at 302-856-7219 to schedule a pre-application meeting to discuss stormwater management and erosion and sediment control plans. Use of green technology practices and low impact development practices are recommended where feasible.

Response: The applicant intends to utilize green technology to the extent feasible for stormwater management. Current options include the potential for underground infiltration and groundwater recharge. In addition, the applicant is in discussions to construct a shared stormwater management facility with DelDOT which can serve the proposed development as well as the future road improvements to Cedar Grove Road.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. 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):

❖ ***This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.***

As a note, applicant was advised at the PLUS meeting that prior to development and specifications and development of the property, the local office of the State Fire Marshal is to be contacted.

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Response: Prior to development of construction plans, the applicant will meet with the Fire Marshal as requested. The construction plans will be developed in accordance with the Delaware State Fire Prevention Regulations.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed rezoning request. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

Response: The applicant intends to pursue a development which will consist of a high level of regard for the environment as requested.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Response: No Response Required.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is within the Cape Henlopen School District. This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this rezoning request.

Response: No response required.

Sussex County – Contact: Richard Kautz 855-7878

Per page 15 of the Comprehensive Plan, "any increased density by rezoning (B-1 allows residential use up to 12 dwelling units per acre) should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly.

Response: The applicant does not intend to develop the property as a residential development. Rather, the applicant intends to develop the project as a professional/medical office campus. With respect to environmental safeguards, the applicant intends to develop the project as a LEED certified project with a goal towards obtaining LEED Platinum Certification. As such, the facility will consist of a multitude of safeguards to the environment. If successful in achieving certification it could be argued that this project will consist of one of the most environmentally friendly facilities in Sussex County.

The Sussex County Engineer Comments:

According to the PLUS application, the proposed project will receive sewer service from a public utility and lists Sussex County as the service provider. However, the proposed project is not located in a Sussex County Sanitary Sewer district and cannot receive sewer service at this time. The parcel is in the future Goslee Creek Planning Area.

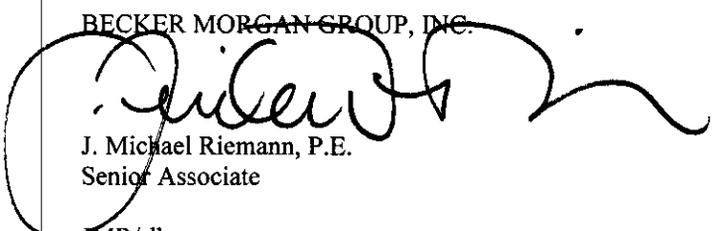
The earliest the Goslee Creek Planning Area could receive sewer service is 2015 according to the North Coastal Planning Study.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-1299.

Response: The applicant acknowledges that the above project is not currently located within the Sussex County Sewer District. The applicant intends to submit a request to be included within the current Sussex County Sewer District. In addition, the applicant acknowledges that the parcel is within the Goslee Creek Planning Area which is anticipated to receive sewer service in 2015. The applicant would request that the project be permitted to connect to the adjacent sewer district at the existing pump station located across the street. Upon completion of the Goslee Creek expansion, the applicant can re-direct sewer as requested. As previously mentioned, the applicant intends to develop the project as a LEED certified project with a high level of environmental safeguards. As a result, the project is projected to generate significantly less sewer than a typical office building.

Sincerely,

BECKER MORGAN GROUP, INC.



J. Michael Riemann, P.E.
Senior Associate

JMR/rlh

Cc: Mr. Todd Bariglio, Bariglio Inc.
Mr. Dennis Schrader, Wilson Halbrook & Bayard, PA

200700200an-ltr.doc