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November 26, 2007

Ms. Constance C. Holland, AICP
Director
The State of Delaware
Office of State Planning
122 William Penn Street, Third Floor
Dover, DE 19901

**RE: RESPONSE TO PLUS COMMENTS
PLUS 2007-10-05 TRACTOR SUPPLY/MINI STORAGE
ECI PROJECT NO. 06-022**

Dear Ms. Holland:

Thank you for the opportunity to meet with the various State Agency Planners, at your offices on October 24, 2007, to discuss our Tractor Supply/Mini Storage project. We have taken the opportunity to review the comments submitted to us via correspondence from your office dated November 19, 2007. As a result of having the opportunity to review those comments, we offer the following responses in a manner consistent with your letter of November 19, 2007.

State Strategies/Project Location

- The Office of State Planning and coordination has no objection to this proposed Level 1 development along US 13 north of Seaford. The project is in keeping and character with similar commercial uses already existing along the US 13. This office would encourage the developer to coordinate their efforts with Del-DOT to address any concerns the agency may have regarding the preservation of this highway. If you have any questions, please contact this office.

We agree that the project is located within a growing Level 1 commercial area. We have had numerous meetings with DelDOT concerning this project and will continue to coordinate the design of this project with DelDOT.

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OFFICE HOLLAND AND BUDGET

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Street Design and Transportation

- This development is subject to the Corridor Capacity Preservation Program. That program seeks to preserve the capacity of certain arterial highways to handle through traffic by managing access along them. In the vicinity of this project, the CCPP includes the creation of service roads to handle local traffic and to concentrate left turn movements at major intersections. Mr. Thomas Felice, a project manager in this office, has reviewed the proposed plan in this context and has found the service road shown thereon to be acceptable as drawn.

During the due diligence phase of this project, ECI met with the DelDOT Corridor Capacity Preservation Program (CCPP) program personnel to discuss the CCPP program requirements. The proposed right-of-way located along the rear of the project site to be utilized in the future for a service road is the result of those discussions.

Cultural and Natural Resources

- The applicant has identified a joint-stormwater pond as the proposed method to treat stormwater with the expectation to subdivide the lot. Because of the parcel's location in an impaired watershed and the amount of impervious surface, the applicants should incorporate more green technology best management practices and low impact development practices to reduce stormwater flow and meet water quality goals for the Chesapeake Bay. This site provides opportunity to use more creative design for stormwater management. In addition a management and maintenance plan and agreement should be developed and included in the deed for these parcels identifying the responsible party for the shared stormwater system.

ECI will utilize Best Management Practices (BMP's) in the design of this stormwater plan. We have had preliminary discussions with the applicable agencies to further this project along.

The following are a complete list of comments received by State agencies:

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

The Office of State Planning and coordination has no objection to this proposed Level 1 development along US 13 north of Seaford. The project is in keeping and character with similar commercial uses already existing along the US 13. This office would encourage the developer to coordinate their efforts with Del-DOT to address any concerns the agency may have regarding the preservation of this highway. If you have any questions, please contact this office.

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We agree that the project is located within a growing Level 1 commercial area. We have had numerous meetings with DelDOT concerning this project and will continue to coordinate the design of this project with DelDOT.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

In reference to this particular parcel (property/project area), the historic resources at State Historic Preservation Office of the Division of Historic & Cultural Affairs did show and indicate the following:

- There was no indication of a known Archaeological site or National Register listed property on or within parcel, but this parcel is still in a vicinity where it is a possibility that there could be a potential archaeological site (historic or prehistoric-period) on this parcel, or nearby it.
- The developer should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.
- Prior to any demolition or ground-disturbing activities, or before any type of construction proceeds the developer may want to hire an archaeological consultant to check or examine this parcel/property (project area) for the possibility of a cemetery here, or to see if there are any archaeological sites on it.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs recommends and do hope that the developer will take these comments in to consideration. Also, if the developer would like to discuss this in further detail, contact Mr. Terence Burns, Information Resource Specialist, at the State Historic Preservation Office of the Division of Historic & Cultural Affairs at (302) 736-7400.

The developer is aware of your concerns listed above and address the listed issues if they become relevant.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Because it is located on US Route 13 south of Bridgeville, the subject development is subject to the Corridor Capacity Preservation Program. That program seeks to preserve the capacity of certain arterial highways to handle through traffic by managing access along them. In the vicinity of this project, the CCPP includes the creation of service roads to handle local traffic and to concentrate left turn movements at major intersections.

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Mr. Thomas Felice, a project manager in this office, has reviewed the proposed plan in this context and has found the service road shown thereon to be acceptable as drawn.

- 2) The DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, has recently reviewed the plan for this project. He identified a need for two right-of-way dedications. The first pertains to the right-of-way for the service road mentioned above.

The second pertains to the property frontage on US Route 13. DelDOT's policy is to require a dedication of 50 feet from the centerline on principal arterial highways, such as Route 13 in this area. On divided highways, again such as Route 13, we measure that distance from the inside edge of the travelway, rather than from the actual centerline. In the specific instance of this property, DelDOT will require the dedication of an additional five-foot deep strip of right-way beyond the existing property line.

On October 23, 2007, DelDOT learned that the developer added the service road to their plan in the belief that doing so would eliminate the need to dedicate further right-of-way along Route 13. That is not the case. As necessary, the developer may contact Mr. Sapp and Mr. Felice to discuss the matter further. Mr. Sapp may be reached at (302) 760-4803. Mr. Felice may be reached at (302) 760-2338.

- 3) If the conditional use application is approved, the developer's site engineer should continue to coordinate with Mr. Sapp, regarding the specific requirements for access and off-site improvements.

During the due diligence phase of this project, ECI met with the DelDOT CCPP program personnel to discuss the CCPP program requirements. The proposed right-of-way located along the rear of the project site, to be utilized in the future for a service road, is the result of those discussions. ECI has met with Mr. Mark Cote and Mr. Derek Sapp of the DelDOT Planning Department and have come to an understanding as to the desires of DelDOT concerning this project. ECI will continue to coordinate the design of this project with Mr. Derek Sapp.

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

Soils

According to the Sussex County soil survey update, Ingleside- Hammonton complex, Keyport, and Woodstown were mapped in the immediate vicinity of the proposed construction. Ingleside-Hammonton complex is a well- to moderately well-drained soil that has few to moderate

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limitations for development. Keyport and Woodstown are moderately well-drained soils of low-lying uplands that have moderate limitations for development.

We concur with the soils report.

Impervious Cover

Based on a review of the PLUS application form, post-construction surface imperviousness was projected to reach 60 percent. However, given the projected scope and density of this project, this estimate appears to understate post-construction surface imperviousness. When calculating surface imperviousness, it is important to consider all created forms of constructed surface imperviousness (i.e., rooftops, sidewalks, roads, and stormwater management ponds) in the calculation for surface imperviousness; otherwise, an inaccurate assessment of this project's environmental impacts will result. Surface imperviousness should be recalculated with all of the above-mentioned forms of constructed surface imperviousness included.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

The calculations of the proposed impervious surfaces are preliminary, as this is a Preliminary Plan. The above referenced surfaces (i.e., rooftops, sidewalks, roads) have been included in the preliminary calculation. We believe that the calculation is appropriate and will further refine the calculations during the design phase of this project.

ERES Waters

This project is located adjacent to receiving waters of the greater Nanticoke watershed, and designated as having waters of Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of pollutants through implementation of Best Management Practices (BMPs). Moreover, provisions defined in subsection 5.6.3.5 of same section, specially authorize the Department to mandate BMPs to meet standards for controlling the addition of pollutants and

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reducing them to the greatest degree achievable and, where practicable, implementation of a standard requiring no discharge of pollutants.

ECI will utilize Best Management Practices (BMPs) in the design of this project and additional landscaping will be implemented into the design to enhance the stormwater system.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Nanticoke watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the greater Nanticoke watershed, "target-rate-nutrient reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively. Additionally, "target-rate-reductions" of 2 percent will be required for bacteria.

Appropriate measures to address concerns related to TMDL's will be considered during the final design of the project.

TMDL Compliance through the PCS

As indicated above, Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been proposed for the Nanticoke watershed. The TMDL calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria. A Pollution Control Strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of BMPs such as wider vegetated buffers along watercourses/wetlands, increasing the amount of passive, wooded open space, connection to a central sewer (if available), use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

ECI will design this project site utilizing applicable stormwater design criteria. The stormwater design will utilize Best Management Practices (BMPs) and the design will meet or exceed the Sussex County Conservation regulations. Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus will not exceed the referenced rates.

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Water Supply

The project information sheets state that water will be provided to the project by an individual on-site well. DNREC records indicate that the project site is not located in an area where public water service is available. 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. Since an on-site public/miscellaneous public well will 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 located and constructed 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 approximately four weeks to process, which allows the necessary time for technical review and advertising.

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

During the due diligence phase of this project ECI contacted Tidewater Utilities concerning the public water supply located in the subdivision to the rear of this project. ECI was informed that the public well located within this subdivision was at capacity and was not a viable public water source for this commercial project. ECI will site and obtain all necessary permits for a well to supply potable water and fire protection on this project site.

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Drainage and Stormwater Management

This project is located in the Nanticoke Watershed which drains to the Chesapeake Bay. Both the Nanticoke/Broad Creek Watershed and the Chesapeake Bay are degraded by nutrients and bacteria. A Total Maximum Daily Load (TMDL) has been established to reduce nutrients in this watershed. If you have any questions about the strategy to reduce nutrients please contact Lyle Jones at DNREC Watershed Assessment Section, 302.739.9939.

The DNREC Sediment and Stormwater Program ensure that sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, DNREC does not support placement in resource protection areas or removal of trees for the sole purpose of placement of a stormwater management facility/practice.

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Because the Sediment and Stormwater Program is in the process of revising its State regulations, it would be a good idea to contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. 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 Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

The applicant has identified a joint-stormwater pond as the proposed method to treat stormwater with the expectation to subdivide the lot. Because of the parcel's location in an impaired watershed and the amount of impervious surface, the applicants should incorporate more green technology best management practices and low impact development practices to reduce stormwater flow and meet water quality goals for the Chesapeake Bay. This site provides opportunity to use more creative design for stormwater management. In addition a management and maintenance plan and agreement should be developed and included in the deed for these parcels identifying the responsible party for the shared stormwater system.

ECI will design this project site utilizing applicable stormwater design criteria. The stormwater design will utilize Best Management Practices (BMPs) allowing the design to meet or exceed the Sussex County Conservation regulations. With regard to the shared joint stormwater facilities, ECI has had discussions with The Keith Corporation and they are aware of the requirement of stormwater easements for this parcel(s) and will include language in

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future deeds that address the specific responsibilities for the continued maintenance of the stormwater facilities to be constructed on this project site.

Underground Storage Tanks

There is one inactive and one active LUST site(s) located near the proposed project:

Utility Trailer Company, Facility # 5-000385, Project # S9308150
John's New Look Auto Body, Facility # 5-000762, Project # S9502049

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

We acknowledge you comment.

State Fire Marshal's Office – Contact:

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 re-zoning requests. The information provided below shall be considered when final plans are being designed.

a. Fire Protection Water Requirements:

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central or Public Water System within 1000' of property), set back and separation requirements will apply.

b. Fire Protection Features:

- For commercial buildings greater than 5000 sqft, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 sqft Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 sqft. or less

- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

c. Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access roads must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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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.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

ECI has had a preliminary discussion with the State Fire Marshals office and will design this project site to meet or exceed the regulations of that office.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed project. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 1 areas.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. Please feel free to contact the Delaware Forest Service at (302) 698-4500 for more information.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

At present the project site is mostly open meadow as in the past it was a farm field. An existing wooded area located to the rear of the project will remain largely undisturbed and a landscape plan to enhance this area and the remainder of the site utilizing native trees and shrubs will be designed.

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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.

An existing gas pipeline is located along the frontage of this site. ECI will coordinate with the gas company and with The Keith Corporation as to the viability of a service connection for this project.

Department of Education – Contact: John Marinucci 735-4055

This proposed development is in the Seaford School District. DOE offers the following comments on behalf of the Seaford School District. This is a commercial/industrial site plan development request with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this rezoning request.

As recognized above this commercial project will have little if any impact on the local school district.

Sussex County – Contact: Richard Kautz 855-7878

The site plan should also show compliance with the Route 13 Highway Corridor Overlay as required by 115-194.1 of the County Code, where applicable.

The Sussex County Zoning Ordinance Section 115-166 C states, "Parking within front yard setback shall be discouraged and subject to site plan review." The developer should be aware that the Planning and Zoning Commission is reluctant to approved parking in the front setback and so the design should be revised to show compliance with the setback requirement.

Sussex County Engineering notes that it has no objection to the use of an on-site septic system.

ECI has had discussions with DelDOT concerning the corridor Capacity Preservation Program and is also aware of the Route 13 Highway Corridor Overlay as required by 115-194.1 of the Sussex County Code. No parking will be located within the front setback and a 20 foot wide landscape buffer within the front setback will be provided as required by the Sussex County Code. The on-site septic systems have been reviewed by DNREC and a permit has been issued.

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We hope that these responses meet with your approval. If you have any further questions or comments, please don't hesitate to contact me.

Sincerely,
ECI

A handwritten signature in black ink, appearing to read 'G. Cuppels', written over a horizontal line.

Gary T. Cuppels, PLS, PP
President