

RECEIVED
D.F.C. PLANNING AND BUDGET



file

2008 JUL 24 AM 10 55
Constance C. Holland, AICP
Director, Office of State Planning Coordination
State of Delaware
122 William Penn Street, Suite 302
Haslet Building, Third Floor
Dover, DE 19901

22 July 2008
Via: U.S. Mail

RE: PLUS review – PLUS 2008-04-04; Bridgeville 90 Acres

Dear Ms. Holland:

In regard to the above referenced project and pursuant to your comment letter dated 23 May 08, please find the following point by point response in blue for your review.

Office of State Planning Coordination – Contact: 739-3090

The proposed project is an actively farmed parcel located within Investment Levels 2 and 3 as defined by the Strategies for State Policy and Spending. In addition, a portion of the site falls within the Sussex County Highway Commercial Overlay Zone for US 13 and the entire site falls within the Town of Bridgeville Future Annexation Area. This project is intended to be annexed into the Town of Bridgeville. Based upon the location and the applicant's intent to annex into the Town of Bridgeville, The Office of State Planning offers the following comments:

- Given the intent to annex, the applicant should contact the Town of Bridgeville to begin the formal annexation process for the Town. Please contact Bonnie Walls, Town Manager at (302) 337-7135 to learn more.

The annexation process with the Town of Bridgeville is underway and complete annexation is expected within the next few months.

- The proposed project is adjacent to US 13 and as discussed within this letter, the proposed is directly impacted by Del-Dot's corridor preservation program. The applicant is encouraged to work with Del-Dot to address their concerns regarding the direct and indirect impacts to this major highway.

A Traffic Impact Study (TIS) for this project is currently underway. Through this process, DelDOT's Corridor Preservation Program has been contacted and will provide comments in the final TIS.

- The proposed is directly adjacent to an existing Roadside Ag Stand that sells a variety of produce and related products. The applicant is encouraged to work with the Department of Agriculture to ensure the long term health of this existing business and to identify how the applicant may further expand this type of commercial activity within their proposed project.

element

18335 coastal highway suite c • lewes de 19958
fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com

Page 1 of 16



As the site plan is developed further, Element will look to work with the Department of Agriculture to move the produce stand currently located on Route 13 to within the Development.

If the applicant has any additional questions, please contact our office.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Please explain the two circular intersection treatments proposed on the internal streets. The one that appears to have a water feature in the middle is far enough from Route 13 to be entirely a private or municipal responsibility, but the other one is close enough to Route 13 for DelDOT to be concerned. If it is a decorative treatment using pavers, and the traffic control would be by means of Stop signs in the north, south and east approaches, they have no objection to it. However, if a roundabout is proposed, DelDOT has two concerns. First, the geometric design is not acceptable as a roundabout. Second, it is so close to Route 13 that they foresee it being blocked by queues of vehicles waiting to enter Route 13. DelDOT recommends that any roundabout proposed on the site be located beyond the end of the 95th percentile queue expected exiting the site.

The submitted site plan was conceptual in nature but with the comments from DelDOT, Element will not place a round about at the first intersection closest to Route 13 due to their safety concerns. The interior round about is still to be determined and it is unknown at this time if it will have a water feature. Due to the complexity of the site as it relates to Route 13, all roadway designs will be carefully integrated with both DelDOT and the Town of Bridgeville.

- 2) As indicated on the PLUS application, this development is subject to DelDOT's Corridor Capacity Preservation Program. This program seeks to maintain the flow of traffic along certain principal arterial highways through the management of access along them. The site access will need to be evaluated with respect to the CCP's objectives because it presently has direct access only on Route 13. On the three sides where stub accesses are proposed there is presently only one property actively proposed for development, the Bridgeville Town Square property on the north side of the subject land. With that said, DelDOT is encouraged to see that the plan for the site shows roads, rather than driveways through the site. If the Town proceeds with this annexation, DelDOT would strongly encourage the Town to require something similar of the Bridgeville Town Square development to create a road leading from Route 404 to the subject site.

At the traffic impact study scoping meeting it was indicated by the Corridor Capacity Preservation Program that the site may not need a parallel access road to Route 13 and the current entrance onto Route 13 is acceptable since it is located directly across from Heritage Shores entrance. (The parallel road provided within the site behind the first row of commercial stores would serve as the parallel access road to Route 13). The roads shown on the concept plan are within Town

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com



dedicated right-of-ways, but Element will work with both DelDOT and the Town to see how these roads will be maintained in the future. Since the site does not directly border Route 404, a direct access can not be made as indicated; however a future connection access has been made to the project to the north so that access to Route 404 can occur.

- 3) As also indicated on the PLUS application, a traffic impact study has been scoped for this project. DelDOT anticipates having detailed comments regarding the site access and off-site improvements when they have reviewed the completed study.

Comment Acknowledged. Element will review DelDOT's comments and coordinate with DelDOT on any necessary improvements that are a result of the Traffic Impact Study.

- 4) The developer's site engineer should contact the Subdivision Manager for western Sussex County, Mr. Derek Sapp, regarding specific requirements for plan approval. Mr. Sapp may be reached at (302) 760-4803.

Element will continue to work with DelDOT and Derek Sapp throughout the Record Plan and Entrance Plan approval processes.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

The Delaware Division of Historic & Cultural Affairs is an agency of the State of Delaware that consists of archaeologists, architectural historians, curators, educational specialists, historians, historical interpreters, horticulturists, and historic preservation trade professionals, which fosters and oversees the state-federal historic preservation partnership programs in Delaware. The Division of Historic & Cultural Affairs also advises the State of Delaware legislative or government officials on historic preservation issues, participates in project planning under federal regulations, and fosters historic preservation efforts of the State's historic and cultural resources or sites through historical research, management of historic properties, interpretation, and public education.

Preserving the State of Delaware's historic heritage and highlighting its historic legacy of are the guiding principles of the Division of Historical & Cultural Affairs. Through active historic preservation efforts, which involves increasing awareness about Delaware's historic and cultural resources or sites, such as historic properties, buildings, structures, areas, and archaeological sites, the Division of Historical & Cultural Affairs is committed to enhancing Delaware's quality of life by helping people connect with those aspects of our past that have made this state what it is today. Delaware's historic and cultural resources are very valuable and important the State's heritage and historic legacy, because they provide a visual connection that reflects the State's historical heritage, legacy, customs, and traditions. However, they are also irreplaceable and increasingly endangered because of their commercial attractiveness and the effects of natural forces and human intervention.

element

18335 coastal highway suite c · lewes de 19958
fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com



The role of the Division of Historical & Cultural Affairs in reference to the Preliminary Land Use Service process (Chapter 92 of Title 29 of the Delaware Code) is to provide information on the development's impact on Delaware's historic and cultural resources or sites, and be an advocate for their protection. In addition, the information that is provided is based on the archival resources and reference materials at the State Historic Preservation Office, which is a part of the Division of Historical & Cultural Affairs. The State Historic Preservation Office is also the central research and archive repository with information on Delaware's historic and cultural resources or sites, such as historic properties, buildings, structures, objects, areas, and archaeological sites that were identified, researched, evaluated, recorded or documented.

Delaware has approximately, about 9,500 these historic and cultural resources or sites, listed in the National Register of Historic Places, which is the official list of the nation's historic and archaeological resources. The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archaeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

In accordance with the Preliminary Land Use Service process, and based on the information from the archival resources and reference materials at the State Historic Preservation Office of Delaware, which is a part of the Division of Historical & Cultural Affairs, here are the following observations in reference to this Preliminary Land Use Service Application:

- As the developer is probably aware, this proposed project site is in a Level 3 Investment Area, according to the Strategies for State Policies and Spending.

Comment Acknowledged. However, while there is a small portion of the site that falls within Level 3, the majority of the site falls within Level 2. In addition, the site is undergoing annexation into the Town of Bridgeville.

- The developer should also be aware that this proposed project site is in an area where there are a few historic and cultural resource sites in the vicinity, but two of them seem to be very close to the proposed site or slightly on it. Both of these historic and cultural resource sites are houses, probably built during the mid to late 19th-century.

Comment Acknowledged. However, these houses are located offsite from the proposed property.

- According to the **Beers Atlas of 1868** (historic geographic map), it appears that the proposed project site (parcel-property) is in the geographic region of Northwest Fork Hundred, and this map also indicated that there are structures of some in the vicinity where the proposed project site is located.

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com

Page 4 of 16



Comment Acknowledged.

- Since the following observations and analysis did indicate that there are some historical attributes and aspects in reference to this proposed project site, there is a possibility that there could potentially be of other historic or cultural resources or probably on this project site, which has not discovered yet. These historic or cultural resources could be potential archaeological resources such as a cemetery or burial ground, unmarked human remains, the contents of an historic building or structure of an earlier century.

Comment Acknowledged.

- Prior to any demolition, ground-disturbing activities, or construction, the Division of Historic & Cultural Affairs strongly recommends that the developer should considers the possibility of hiring an archaeological consultant to examine the project site for any indication or evidence of a cemetery or burial ground, unmarked human remains, or the contents of a historic building, structure, or object. In addition, the Division of Historic & Cultural Affairs also recommends that developer read **Chapters 53 and 54, in Title 7, of the Delaware State Code**, which is in reference to the “Conservation of Archaeological Resources In or On State Lands”, and the “**Delaware Unmarked Human Remains Act of 1987**”

Comment Acknowledged. The site is currently an active farm field so it is expected that any unmarked remains would have already been unearthed, however the developer will contact the Division prior to any construction activities.

- Finally, it also important for the developer to remember that proposed development or construction projects, whether they are big or small or whether they are located in rural areas or urban areas, have the capability to impact or affect historic and cultural resources through demolition or ground disturbance activities. The unexpected discovery of archaeological resources such as a cemetery or burial ground, unmarked human remains, the contents of an historic building or structure of an earlier century during demolition, ground-disturbing activities, or construction can result in significant delays.

Comment Acknowledged.

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

Soils

According to the Sussex County soil survey update, Ingleside-Hammonton-Fallsington complex was mapped throughout most the parcel. Additionally, Ingleside and Fallsington were mapped to a lesser extent. Ingleside-Hammonton-Fallsington complex is a soil with mixed suitabilities (soil limitations ranging from few to severe limitations for development), and is likely to have both upland and wetland (hydic) soil components. Ingleside is a well-

element

18335 coastal highway suite c • lewes de 19958

fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com

Page 5 of 16



drained upland soil that generally, has few limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development.

Comment Acknowledged. Detailed soils investigations will take place prior to final design of the site to better understand the soil morphology. Per the NRCS Soils Map, the only area with definite severe limitations to development is the Fallsington soil. This area is located at the southwest corner of the site where there are currently wetlands and will be undeveloped as such.

Wetlands

According to the Statewide Wetland Mapping Project (SWMP) mapping, palustrine emergent and palustrine forested wetlands were mapped throughout the western portion of subject parcel.

The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

Comment Acknowledged. A preliminary wetlands investigation was performed by Environmental Resources, Inc. in September 2006 indicating that the only regulatory wetlands present on site are those in the southwest corner by the Priestly Tax Ditch. However, a formal delineation will be performed by a certified delineator and submitted to the Wetlands and Subaqueous Lands Section as required.

In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands. Ponds which are connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Since it is apparent that a ditch bisects the south-western portion of the parcel, the applicant should contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

Comment Acknowledged. The Wetlands and Subaqueous Lands Section will be contacted as necessary, for further wetland and ditch jurisdictional inquiries.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Section 404 provisions of the Clean Water Act. A site specific

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com



field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE or “the Corps”) manual is the only acceptable basis for making a jurisdictional wetland determination for nontidal wetlands in Delaware. The applicant is forewarned that the Corps views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for a field-based jurisdictional wetland delineation (i.e., 1987 USACE manual). To ensure compliance with said Corps regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the Corps be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant’s consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the Corps must be contacted to evaluate and assess the jurisdictional validity of such a delineation. The final jurisdictional authority for making isolated wetlands determinations rests with the Corps; they can be reached by phone at 736-9763.

Comment Acknowledged. An official wetlands delineation following the parameters of the 1987 United State Army Corps of Engineers manual will be performed on the site prior to final development of the property.

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A.W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

Comment Acknowledged. Element will provide all required buffers from existing wetlands and water bodies and will look to maximize these buffers where possible to reach 100’ in width or greater.

Impervious Cover

Based on a review of the PLUS application form, post-construction surface imperviousness was projected to reach about 67 percent. 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.

Comment Acknowledged. Element will look to reduce the effects of the large amount of the impervious area for the proposed development by providing pervious material for parking where applicable (for example, secondary parking areas) or through impervious disconnection and use of green BMP’s throughout the development.

element

18335 coastal highway suite c • lewes de 19958

fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com



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

Comment Acknowledged. All required pollutant removal requirements will be met for the stormwater design of the site and green BMP's, instead of traditional wet stormwater ponds, will be used where possible.

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.

Comment Acknowledged. Element will meet all required TMDL reductions percentages for the stormwater management design of the project.

TMDL Compliance through the PCS

As indicated above, 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 performance-based community wastewater disposal system (or 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.

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com

Page 8 of 16



Comment Acknowledged. Element will develop a pollution control strategy and use DNREC's DURMM model for modeling the TMDL requirements, as necessary, during the stormwater management design of the project.

Water Supply

The project information sheets state that water will be provided to the project by the Town of Bridgeville (through Tidewater) via a public water system.

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. According to §203C, Subchapter II, Chapter 1, Title 26, Delaware Code, the municipality is required to give notice to the Public Service Commission when the annexation is complete. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-736-7547. Should an onsite public/miscellaneous 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 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.

Comment Acknowledged. The site is currently undergoing annexation with the Town of Bridgeville and discussions are underway regarding the water and sewer supply and treatment for the site. Following annexation completion, a CPCN will be provided to DNREC by the Town.

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.

Comment Acknowledged. Should dewatering be necessary during construction the Water Supply Section of DNREC will be contacted for a well permit.

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.

Comment Acknowledged.

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

Drainage

element

18335 coastal highway suite c • lewes de 19958

fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com

Page 9 of 16



- This project is located within the Ake Tax Ditch and the Priestly Tax Ditch. The Drainage Program conducted a review of the Tax Ditch rights-of-way for this project and the results were submitted to Sara Holland of Element. A copy of the review findings is included at the end of these comments. Placement of permanent obstructions within tax ditch rights-of-way is prohibited. Any change to the location of the tax ditch, the existing tax ditch rights-of-way, or the existing tax ditch watershed boundary will require a change to the Ake Tax Ditch and / or Priestly Tax Ditch court order. Please contact Brooks Cahall of the Drainage Program to resolve the issues with the tax ditch. It is suggested to include Brooks Cahall in the pre-application meeting with the Sussex Conservation District to discuss drainage, stormwater management, tax ditch maintenance, and the release of stormwater into the tax ditch.

Comment Acknowledged. The site is within both the Priestly and Ake Tax Ditch watersheds. Due to the regulations by the Sussex Conservation District, the drainage to each respective tax ditch area will match pre to post development. While the site lies in both tax ditch drainage boundaries, it is not located within the Ake tax ditch right-of-way. There is a small portion of the site in the southwest corner that lies within the Priestly Tax Ditch right-of-way. It appears that the site is at the upstream edge of the tax ditch; therefore Element hopes to work with the Drainage Division to potentially reduce the right-of-way in this area. The Drainage Program will be contacted during the stormwater design process for necessary court order changes.

- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

Comment Acknowledged. The portion of the property tax ditch that lies on the property site boundary will be reviewed for obstructions that might potentially harm downstream properties.

- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

Comment Acknowledged. All existing proposed drainage easements will be recorded and maintenance verbiage included in deed restrictions in order to ensure proper functionality of the drainage right-of-ways.

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com

Page 10 of 16



Results of Tax Ditch Right-of-Way Review.

RE: Parcel # 131-15.00-19.00, Inquiry #1778

- This parcel is located in the **Ake** Tax Ditch watershed; however it is not affected by a Tax Ditch right-of-way.
- This parcel is located in the **Priestly** Tax Ditch watershed and is affected by the following rights-of-way:

Priestly Tax Ditch	Left	Right
Main		
Station 83+65 to 95+70	250'	250'

- Please note that the above rights-of-way are measured from the centerline of the ditch, with the exception of the ones noted with an asterisk, which are measured from top of the ditch bank. The designation of Left and Right side are based upon looking upstream.

Comment Acknowledged.

Rare Species

A review of the DNREC database indicates that there are currently no records of State or federally listed plants, animals or natural communities at this project site. To reduce impacts to nesting birds and other wildlife that utilize trees for nesting, we recommend trees not be cleared from April 1st to July 31st.

Comment Acknowledged.

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):

a. Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Mercantile sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Comment Acknowledged.

b. Fire Protection Features:

- All structures over 10,000 sq.ft. aggregate will require automatic sprinkler protection installed.

element

18335 coastal highway suite c • lewes de 19958
fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com



- Buildings greater than 10,000 sq.ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

Comment Acknowledged.

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 road to the complex from US Rte 13 (and any other future entrance paths) 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.

Comment Acknowledged.

d. Gas Piping and System Information:

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

Comment Acknowledged.

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

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com



- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Comment Acknowledged.

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.

All Fire Marshal requirements will be provided at final design with necessary Fire Marshal submittals and reviews.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Delaware Department of Agriculture has no objections to the proposed rezoning and site plan. The land owner intends to seek annexation into the Town of Bridgeville, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 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. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear
Leyland Cypress

Ash Trees
Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

Comment Acknowledged. A landscape plan will be included within the final site plan design and will look to include trees throughout the development and avoid the noted species due to high mortality.

element

18335 coastal highway suite c • lewes de 19958
fon 302.645.0777 • fax 302.645.0177 • email info@elementdg.com
Page 13 of 16



DPH supports new development in and around existing towns and municipalities where compact and mixed land use patterns facilitate physical activity. As a way to promote physical activity and access to healthy foods, we recommend that the following amenities be included in the Bridgeville 90 Acres project:

Amenities to encourage active transportation

- Ensure that there are sidewalks and walking paths connecting the public destinations within the commercial development
- Include amenities such as sidewalks and cross walks that will enable residents from neighboring areas to walk, bike or use other means of non-motorized transportation to access the commercial development
- Install bike racks in convenient locations throughout the development

These amenities would encourage patrons of the commercial development to walk between destinations within the development, and also enable local residents to travel to the development by foot or by bicycle. Studies have shown that people who have access to sidewalks are more likely to walk and also to meet the Surgeon General's recommendations for physical activity. 2 A recent study cited by Active Living by Design showed that integrated land use can increase the number and percentage of walking and biking trips. 5 Recent public opinion surveys reveal that people want more opportunities to incorporate walking into their day. A survey by the Surface Transportation Policy Project found that 55% of Americans want to walk more on a daily basis to get exercise or to travel to specific destinations, and 63% want to walk more to stores and other locations to take care of errands. 6

Comment Acknowledged. Sidewalks will be provided throughout the commercial site plan as well as walking paths and crosswalks. Bicycle use will be encouraged throughout the development by the placement of bike racks at each commercial venue.

Amenities to encourage walking and physical activity for recreation

- Designate a portion of the open space area for recreational walking; for example include walking paths constructed of pervious materials affording minimal disturbance to the open space area
- Incorporate playground areas: these would offer some active recreation opportunities for children and their caregivers during visits to the commercial development, if feasible consider including a walking path around the playground areas.

Comment Acknowledged. As we develop the site plan further we will look to provide an amenity feature for recreational activities such as a park area, gazebo or play area.

Increase opportunities for healthy eating

- Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables.

Comment Acknowledged. There is an existing road side agricultural stand currently on the property along Route 13. The developer and Element will look to work with the

element

18335 coastal highway suite c · lewes de 19958

fon 302.645.0777 · fax 302.645.0177 · email info@elementdg.com



Department of Agriculture to move the produce stand within the development so it can continue to operate and provide the sale of fruits, vegetables and other related products.

Department of Education – Contact: John Marinucci 735-4055

This proposed project is in the Woodbridge School District. This site plan review is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

Comment Acknowledged.

Sussex County – Contact: Richard Kautz 855-7878

The preliminary subdivision plat should provide details of how/when the forested buffer will be planted.

For continuity, the site plan should also show compliance with the Route 13 Highway Corridor Overlay as required by 115-194.1 of the Sussex County Code, unless the Town has a similar requirement.

Comment Acknowledged. A landscape plan will be provided with the specifications of the forested buffer plantings. Particularly within the Route 13 Highway Corridor Overlay the more stringent code, whether it be the Town of Bridgeville or Sussex County, will be followed.

Upon your review of the above, should you have any questions or require additional information, please do not hesitate to contact this office at 302.645.0777. Thank you.

Sincerely,
Element

Douglas M. Warner, PE

Douglas M. Warner, PE

cc: Sussex County
Town of Bridgeville
John Snow, Highway One, LP
File