

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965PORT EXCHANGE
SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

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

April 27, 2010

Constance C. Holland, AICP
State of Delaware
Planning and Coordination
Haslet Armory – Third Floor
122 William Penn Street
Dover, DE 19901RE: **PLUS 2010-03-01 Response Letter**
BEIMAC, L.L.C.
Magnolia, Delaware
2010023.00

Dear Ms. Holland:

Below you will find the required responses to your PLUS comment letter dated April 15, 2010 in reference to Beimac, L.L.C. project near Magnolia, Delaware. Each State comment is listed with the associated response in bold italics below.

Strategies for State Policies and Spending

- This project is located within a level 2 and 3 according to the Strategies for State Policies and Spending. This site is also located in the Kent County Growth Zone. Investment Levels 2 and 3 reflect areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed rezoning of this parcel in accordance with the relevant County codes and ordinances. We note that the rezoning of this property is at the discretion of the Kent County Levy Court.

Response: No response required.

- While there may be some environmental restrictions surrounding this parcel it is our understanding from the application that you do not intend to change the footprint of the existing building.

Response: We do not intend to change the footprint of the existing building.**Code Requirements/Agency Permitting Requirements**

- There are no State Code Requirements that are the responsibility of the applicant related to this rezoning request. The rezoning of this property is at the discretion of the Kent County Levy Court.

Response: No response required.

- The following code requirements may be relevant to future development or redevelopment of this property:

1. You should be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains

to 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, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains.

Response: Noted.

2. A detailed sediment and stormwater plan will be required for this project if more than 5,000 square feet of soil is disturbed. If applicable, contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. 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 Kent Conservation District. Contact the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees.

Response: A detailed sediment and stormwater management plan / report will be submitted for review.

3. 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: Noted.

4. 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: Noted.

Recommendations/Additional Information

The State offers no suggestions regarding the rezoning request. The following suggestions may be relevant to future development or redevelopment of this property:

Department of Agriculture – Contact: Delaware Forest Service at (302) 698-4500

1. 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.

2. Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

Callery Pear
Leyland Cypress
Red Oak (except for Willow Oak)
Ash Trees

Response: This recommendation will be taken into consideration during the design phase.

Department of Transportation – Contact: Bill Brockenbrough at 760-2109

1. On March 8, 2010, DelDOT wrote to the Kent County Department of Planning to recommend that they not require a traffic impact study for the rezoning. By their calculations, 1.41 acres of office development could generate about 96 vehicle trips per day and about 14 vehicle trips per hour in the peak hour. Also, by their calculations, Ponderosa Drive presently operates at Level of Service A during peak hours and would continue to do so with the redevelopment of the subject land. Therefore, according to Section 2.3 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access, a traffic impact study is not warranted.

Response: No response required.

2. If the rezoning is approved, DelDOT recommends that the developer have their engineer contact the DelDOT Subdivision Manager for the south part of Kent County, Ms. Diane Calloway, for more detailed comments on the site plan as they develop it further. Ms. Calloway may be reached at (302) 760-2571.

Response: We have contacted DelDOT to discuss the preliminary site plan.

State Historic Preservation Office- Contact: Terence Burns at 736-7404

1. It appears that there is a known Archaeological Site (K-601, 7K-D-7) on or very close to this parcel. Because of this, there is a possibility that may be other prehistoric-period or historic-period archaeological sites on it as well. The developer should also provide some landscaping along the borders of the parcel in order to lessen the visual effects on the surrounding properties. There is a high probability for historic archaeological sites on the subject property.

Response: This recommendation will be taken into consideration during the design phase.

2. If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on or in reference to historic or cultural resources.

Response: Noted.

Department of Natural Resources and Environmental Control- Contact listed under section comment

- According to the application, no additional building will take place at this time if the rezoning is approved. If the owner decides to build additional structures, they should contact the Department of Natural Resource and Environmental Control,
 1. The possibility of wetlands on this site and the limitations of development if wetlands are found. According to the Statewide Wetland Mapping Project (SWMP) mapping, tidally-influenced estuarine wetlands (E2EM1N et al.) and nontidal palustrine riparian (PUBx7) freshwater wetlands were mapped in the vicinity of the proposed project (Figure 2).

The applicant would be 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.

Response: We will contact DNREC Wetlands and Subaqueous Lands Section to determine if any State-regulated wetlands are present on the property.

2. Possible development limitations due to soil types in the area. According to the soils assessment, there are could be some limitations to development due to the types of soils immediately surrounding the existing building and wetlands could also be present.

Response: Improvements such as building and paving currently exist on the project site. This recommendation will be taken into consideration during the design phase.

3. Adequate buffers around the environmental features adjacent to the site.

Response: Improvements such as building and paving currently exist on the project site. This recommendation will be taken into consideration during the design phase.



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4. Recommended impervious cover limitations due to the environmental features adjacent to the site.

Response: Improvements such as building and paving currently exist on the project site. This recommendation will be taken into consideration during the design phase.

5. TMDL information for the St. Jones Watershed as TMDLs for nitrogen and phosphorus has been promulgated through regulation for the St. Jones River watershed.

Response: Noted.

- Water Resource Protection Areas – Contact: Anne Mundel - (302) 739-9945, Anne.Mundel@state.de.us

1. The DNREC Groundwater Protection Branch (GPB) has reviewed the above referenced PLUS project and determined that the northern edge of the project falls within a wellhead protection area for Tidewater Utilities Camden District in Kent County (see attached map).

The Developer indicates on the concept drawing that a parking lot is planned for the portion of the parcel within the wellhead protection area. DNREC recommends leaving the wellhead protection area as open space by moving the parking southward.

Response: Improvements such as building and paving currently exist on the project site. This recommendation will be taken into consideration during the design phase.

2. In addition, because the project is located within a wellhead protection area and the wellhead is a source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

Response: Improvements such as building and paving currently exist on the project site. This recommendation will be taken into consideration during the design phase.

- Hazardous Waste Sites – Contact: Krystal Stanley - (302) 395-2644, Krystal.Stanley@state.de.us

1. Although no SIRB sites or salvage yards were identified in the area, the previous use of the existing building is unknown; therefore, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. SIRB encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil),



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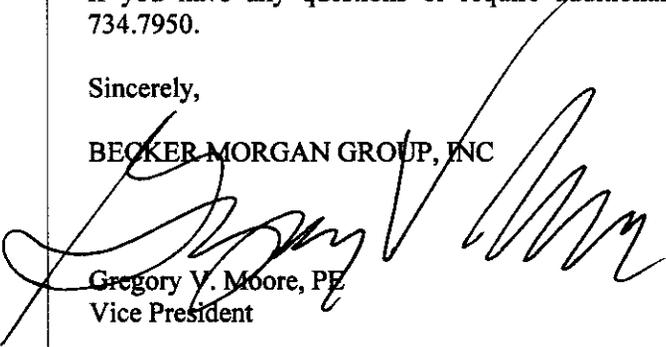
construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions.

Response: The existing building has no previous use. It has remained unoccupied since it was built in 2004. We do not feel a Phase I Environmental Site Assessment is necessary.

If you have any questions or require additional information, please contact me at (302) 734.7950.

Sincerely,

BECKER MORGAN GROUP, INC



Gregory V. Moore, PE
Vice President

RPH/rlh

CC: Robert C. MacLeish, Beimac, L.L.C.
Sarah Keifer, Kent County

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