



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

September 21, 2017

Mr. Patrick Ryan, AIA  
Ryan Architecture, LLC  
140 Layton Ave.  
Georgetown, DE 19947

RE: PLUS review 2017-08-05; Lessard Mini Storage

Dear Patrick:

Thank you for meeting with State agency planners on August 23, 2017 to discuss the Lessard Mini Storage project. According to the information received you are seeking review of a site plan for 201,200 square foot commercial space on 11.77 acres along Argo's Comer Rd. in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

### Strategies for State Policies and Spending

This project represents land development that will result in 201,200 square feet of commercial space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed development.

With that said, **the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.**

*Acknowledged.*

### **Code Requirements/Agency Permitting Requirements**

#### **Department of Transportation - Contact Bill Brockenbrough 760-2109**

- Because the subject property adjoins Delaware Route 1 between Dover Air Force Base and US Route 9 at Five Points, it is subject to DelDOT's Corridor Capacity Preservation Program (CCPP). See Section 1.2 of the Development Coordination Manual and Section 145, Title 17 of the Delaware Code. The goal of the Program is to maintain the capacity of the existing highway by managing access along it.

According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area. In this area, State policies will encourage the preservation of a rural lifestyle.

In accordance with the CCPP policy (available at [http://www.deldot.gov/Publication/manual/corr\\_cap/index.shtml](http://www.deldot.gov/Publication/manual/corr_cap/index.shtml)) no new or expanded direct access to SRI will be permitted in a Level 4 Investment Area. Access will be permitted to the existing secondary road. In this case, the property owner can develop a full access along Argo's Comer Road (Sussex Road 14E).

*Acknowledged.*

- The site access on Argo's Comer Road must be designed in accordance with DelDOT's Development Coordination Manual (formerly the Standard and Regulation for

Subdivision Streets and State Highway Access) which is available at <http://www.deldot.gov/Business/subdivisions/index.shtmldc=changes>.

*Acknowledged.*

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [http://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022011](http://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022011).

*Acknowledged.*

- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

*Acknowledged.*

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, DelDOT sees that the total daily trips are estimated at 503 vehicle trip ends per day (significantly more than indicated on the PLUS application) and 80 vehicle trip ends per hour during the Saturday peak hour.

For developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour, if the local government does not require a TIS, Section 2.2.2.2 of the Manual provides that DelDOT may accept an Area Wide Study Fee, calculated by multiplying the daily trip generation by \$10, in lieu of requiring a TIS. DelDOT is willing to accept a fee in lieu in this instance. Based on 503 vehicle trip ends per day, the fee would be \$5,030.

An Area Wide Study Fee, when accepted, is set aside for use in funding future traffic studies in the same county as the subject development. Payment of the Fee does not relieve the payer of responsibility for off-site improvements where DelDOT has identified a need for improvements or from the need to provide a Traffic Operational Analysis (TOA) if DelDOT determines in the plan review process that a TOA is needed to address a concern about the proposed site entrance. DelDOT has not yet identified a need for specific off-site improvements that might be required of the applicant.

*Acknowledged. The client is in agreement to paying the Area Wide Study Fee.*

- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Delaware Route 1 and Argo's Comer Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the

field in accordance with this section.

*Acknowledged.*

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Delaware Route 1 and Argo's Comer Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outermost edge of the through lanes on Route 1 and 30 feet of right-of-way from the road centerline on Argo's Comer Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

*The required right-of way dedication and notation will be incorporated as requested if necessary based on existing right of way widths.*

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Delaware Route 1 and Argo's Comer Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**

*The required 15 foot wide permanent easement will be incorporated with the plan set.*

- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The following information will be required for the "Letter of No Objection" review:
  - o Initial Stage Fee Calculation
  - Form o Initial Stage Review Fee
  - o Gate-Keeping Checklist - Site
  - Plan o Design Checklist - Record Plan
  - o Sight Distance Spreadsheet
  - o Owners and Engineers' name and e-mail address
  - o Record Plan
  - o Conceptual Entrance Plan
  - o Submission of the Area-Wide Study Fee (If applicable)

*So Noted.*

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - o Depiction of all existing entrances within 300 feet of the proposed entrance.

- o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted. Presently DelDOT does not anticipate requiring any off-site improvements.

*Acknowledged. All required information will be provided as requested at time of Record Plan submittal.*

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions.

*Acknowledged.*

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. For projects in Level 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at the discretion of DelDOT's Subdivision Engineer if the project does not abut an existing facility. DelDOT does not require a path or sidewalk in this instance.

*Acknowledged.*

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 1 and Argo's Comer Road.

*Acknowledged.*

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The following information will be required for Entrance Plan review:
  - o Construction Stage Fee Calculation Form
  - o Construction Review Fee
  - o Gate-Keeping Checklist - Entrance Plan
  - o Design Checklist - Entrance Plan
  - o Auxiliary Lane Spreadsheet
  - o Entrance Plan
  - o Pipe/Angle Spreadsheet (If applicable)
  - o SWM Report and Calculations (If applicable)

*Acknowledge and so noted.*

- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.

*Acknowledged.*

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrance and how long those lanes should be. The worksheet can be found at <http://www.del dot.gov/Business/subdivisions/index.shtml>.

*Acknowledged.*

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.del dot.gov/Business/subdivisions/index.shtml>.

*Sight triangles will be a part of the entrance and record plan.*

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

*Acknowledged.*

- Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.

*Acknowledged.*

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

*All appropriate easements will be shown and noted on the record plan as necessary.*

**Department of Natural Resources and Environmental Control - Contact**  
**Michael Tholstrup 735-3352**

**Executive Summary**

Expanded development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Reducing the environmental impacts on-site through appropriate consideration of the high and moderate risk floodplain areas and wetlands will protect these resources and the overall health of the community. Including waste reduction and resource conservation measures will also improve long term regional sustainability.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public

transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourage the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be available at [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation)). DNREC further recommend an abundant use of native vegetation and shade trees throughout the landscape, as well as green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief on hot days.

The following pages provide information about applicable regulations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

*Agreed and So Noted.*

#### **Water Quality: TMDLs**

- The project is located in the greater Delaware River and Bay drainage and Mispillion River watershed, more specifically within the Cedar Creek sub watershed. In the Cedar Creek sub watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets that call for a 45 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 96 percent reduction in bacteria from baseline conditions. These were developed under the auspices of Section 303(d) of the Clean Water Act. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting.

*Agreed and So Noted.*

- A nutrient management plan is required under the *Delaware Nutrient Management Law* (3 Del. C., Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres; the area of open space may exceed this 10 acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

*Agreed and So Noted.*

#### **Flood Management**

- A significant portion of this property is located in the high risk (1% annual chance) floodplain per FEMA FIRM panel 10005C0151K dated 3/16/15. Some of the property is located in a moderate risk (0.2% annual chance) floodplain. Development must comply with Sussex County's floodplain ordinance. DNREC would encourage any



development be placed outside of the high risk floodplain, or at a minimum 18 inches above the base flood elevation.

*Agreed and So Noted. All proposed buildings are situated outside the 100 year flood plain line as established by FEMA.*

### **Water Supply**

- The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the part of the project (parcel identification # 230-7.00-95.00) is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 09- CPCN-31, the other parcel identification # 234-7.00-96.00 is located in an area not supplied by public water. DNREC recommends 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 CPCN's and the application process can be obtained by contacting the Public Service Commission at (302) 736-7500.

*Contact was made with Tidewater Utilities. Public water is not available in this area and water would be provided by way of a public on-site well.*

- 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, storm water management ponds, and it must also be located at least 150 feet from the outermost boundaries of the project. 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.

*Agreed and So Noted.*

- 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.

*Agreed and So Noted.*

- 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 four weeks to process, which allows the necessary time for technical review and advertising.

*Agreed and So Noted.*

### **Source Water Protection**

- DNREC has reviewed the project and determined that the project falls partially within an excellent groundwater recharge area for Sussex County (Figure 1). The State



Strategies for Policy and Spending classify excellent groundwater recharge areas as Environmentally Sensitive Developing Areas.

*Agreed and So Noted.*

- Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on excellent groundwater recharge potential areas may adversely affect ground water (quality and quantity) in these areas.

*Agreed and So Noted.*

- DNREC acknowledges that Sussex County has a source water protection ordinance in place but DNREC recommends that this project go beyond the requirements of the ordinance and consider their recommendations. The Sussex County Ordinance allows for development on parcels within excellent groundwater recharge where impervious cover ranges between 35-percent and 60-percent provided the applicant demonstrates, through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure, that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Beneficial efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.

*Agreed and So Noted.*

- DNREC advises affording this resource additional and much needed protection. Rough calculations show that development on this property is going to exceed 40-percent.  
impervious cover.

*Acknowledged.*

- The portion of the new development within the excellent ground-water recharge area not exceed 20 percent impervious cover. Some allowance for augmenting groundwater recharge should be considered if the impervious cover exceeds 20 percent but is less than 50 percent of that portion of the parcel within this area. However, the development should not exceed 50 percent regardless. A water balance calculation will be necessary to determine the quantity of clean water to be recharged via a recharge basin. The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

*Acknowledged.*

- Impervious surface cover is known to accumulate pollutants leaked from vehicles. Wind-blown pollutants also accumulate on impervious surface cover. During a storm event, these pollutants are mobilized in runoff (Li, 2003; Schueler, 1994). The runoff

from impervious surface cover can carry a pollutant load in a sufficient concentration to degrade water quality.

*Acknowledged.*

- Stormwater ponds should not be constructed within the excellent groundwater recharge potential area. These systems do not address the particulate and nutrient components of stormwater runoff, they do not address pathogens, petroleum hydrocarbons, pesticides, other organic compounds, and other inorganic compounds associated with residential land use (DNREC, 1999). Because this is an area of excellent recharge potential, there exists the potential for these constituents to enter the aquifer and compromise water quality.

*The proposed storm water management area is to be outside the excellent recharge area.*

- The construction of stormwater ponds requires excavation, hauling, and grading. The heavy equipment used in this phase has the capacity to compact and degrade the structure of the strata that defines the area as an excellent groundwater recharge area (Schueler, 2000a). Changes to the structural soil properties may cause significant reduction in recharge capacity. Installing stormwater management facilities in excellent groundwater recharge areas has the potential to contaminate the ground water beneath it and infiltrate into the aquifer (Schueler, 2000b).

*Agreed as noted above.*

- In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, 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.

*Acknowledged.*

- Impervious surface cover is known to accumulate pollutants leaked from vehicles. Wind-blown pollutants also accumulate on impervious surface cover. During a storm event, these pollutants are mobilized in runoff (Li, 2003; Schueler, 1994). The runoff from impervious surface cover can carry a pollutant load in a sufficient concentration to degrade water quality.

*Acknowledged.*

- Use best management practices in the design, construction, and maintenance of a stormwater management system designed to address water quality with respect to the dissolved component of nutrient and other pollutant loads. Design the infiltration facility with advanced treatment to minimize the likelihood of introduction of any contamination to the infiltration basin, such as a multi-chamber sand filter system.

*References:*

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.  
<http://www.udel.edu/dgs/Publications/pubform.htm#investigations>

- Gobel, P, Dierkes, C., and Coldewey, W. G., 2007, Storm Water runoff concentration matrix for urban areas: Journal of Contaminant Hydrology v. 91, no. 1-2, p. 26-42.
- Li, L., Yin, C., He, Q., and Kong, L., 2006, First flush of storm runoff pollution from an urban catchment in China: Journal of Environmental Sciences v. 19, no. 1-2, p. 295 - 299.
- Schueler, T. R., 2000a, The Compaction of Urban Soils, in Schueler, T.R., and Holland, H.K., eds., The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection, p. 210 - 218.
- Schueler, T. R., 2000b, Pollutant Dynamics of Pond Muck, in Schueler, T.R., and Holland, H.K., eds., The Practice of Watershed Protection: Ellicott City, MD, Center for Watershed Protection, p. 453 - 460.
- Schueler, T. R., 1994, The Importance of Imperviousness: Watershed Protection Techniques, v. I, no. 3, p. 100-111.

### *Acknowledged.*

#### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-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 Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

*Agreed and So Noted. A detailed plan and appropriate fees will be submitted to the Sussex Conservation District for their review and approval.*

#### **Air Quality**

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1102 - Permits</b>	<ul style="list-style-type: none"> <li>• This regulation establishes air quality analysis, control technology, permitting, and public and EPA notice/comment requirements for large stationary sources of air pollutants.</li> </ul>
<b>7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling</b>	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>

<b>7 DE Admin. Code 1125 - Requirements for Preconstruction Review</b>	<ul style="list-style-type: none"> <li>Facilities should consult with the Division of Air Quality, Engineering and Compliance Branch early in the process if preconstruction permits. Under 7 DE Administrative Code 1125 may be triggered.</li> </ul>
<b>7 DE Admin. Code 1141 - Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products</b>	<ul style="list-style-type: none"> <li>Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144 - Control of Stationary Generator Emissions</b>	<ul style="list-style-type: none"> <li>Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits established. (See section 3.2).</li> <li>Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145 - Excessive Idling of Heavy Duty Vehicles</b>	<ul style="list-style-type: none"> <li>Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awrn.delaware.gov/AQM/Pages/AirRegulations.aspx>

*Agreed and So Noted.*

### Recycling

- Delaware Law (7 Del.C., §6053) and Regulations (7 Del. Admin. C. §1305) specify that the 'commercial sector' shall participate in a comprehensive recycling program. As such,  
all those involved with the planning of new development should give consideration to space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call (302) 739-9403.

*Agreed and So Noted.*

### Tank Management

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del. C.. Chapter 60; 7 Del. C., Chapter 74 and DE Admin. Code 1351, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.

*Agreed and So Noted.*

- No environmental impacts are anticipated; however, per the UST Regulations: Part E, §

1. Reporting Requirements: Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:

- o The Department's 24-hour Release Hot Line (800) 662-8802;
- and o The DNREC Tank Management Section (302) 395-2500.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the Tank Management Section. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by DNREC.

*Agreed and So Noted.*

- For more information, go to: <http://www.dnrec.delaware.gov/tanks/Pages/default.aspx> or contact Ross D. Elliott with further questions at (302) 395-2500, or [Ross.Elliott@state.de.us](mailto:Ross.Elliott@state.de.us)

*Agreed and So Noted.*

#### **State Historic Preservation Office - Contact Terrence Burns 736-7404**

- The State Historic Preservation Office supports no development, or rezoning of any kind, for any proposed project, in a Level-4 area. There are known archaeological sites (S00466, 7S-C-017; S00478, 7S-C-018), on the parcels. With this in mind, be aware of the Unmarked Human Burials and Human Skeletal Remains Law.

*The client is working towards investigation and locations of said sites.*

- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked

graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the

plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites:

[www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and  
[www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).

Therefore, prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources and

plan to avoid those sites or areas.

***Acknowledged and So Noted.***

- If there is federal involvement, 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 any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov).

***Acknowledged and So Noted.***

**Delaware State Fire Marshall's Office - Contact John Rudd 739-4394**

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):

**Fire Protection Water Requirements:**

- o Water distribution system capable of delivering at least 750 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- o Where a water distribution system is proposed for mini-storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants.

***Agreed and So Noted.***

**Fire Protection Features:**

- o 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.

***Agreed and So Noted. All fire lane marking requirements will be incorporated into the Fire Protection Plan.***

- o All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

***The two (2) proposed climate controlled units will be protected by an automatic sprinkler system and the remaining units will be less than 2500 square feet each.***



*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased/or the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

**Accessibility:**

- o 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.
- o 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.
- o The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- o 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.

*Agreed and So Noted.*

**Required Notes:**

- o 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"
- o Proposed Use
- o Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- o Square footage of each structure (Total of all Floors)
- o National Fire Protection Association (NFPA) ConstructionType
- o Maximum Height of Buildings (including number of stories)
- o Provide Road Names, even for County Roads

*Agreed and So Noted. All required notes will be incorporated in the Fire Protection Plan for the State Fire Marshal review.*

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the PLUS process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.



Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County