

July 2, 2018

State of Delaware
Office of State Planning Coordination
122 Martin Luther King Jr. Boulevard South
Haslet Armory, 3rd Floor
Dover, Delaware 19901

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

Re: PLUS Review 2018-05-15
Comment Letter - Responses
Admirals Chase
Tax Map 532-6.00-86.00 & 532-6.00-87.00
Project No. TEC01-02

Dear Ms. Holland:

Following my meeting with State agency planners on May 23, 2018, and pursuant to receiving your letter dated June 21, 2018, we offer the following responses to your comments presented in the same order.

Comment: *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.*

Response: Acknowledged.

Strategies for State Policies and Spending

- **Comment:** *This project is located in Investment Levels 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

Response: Acknowledged.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

- **Comment:** *Because the site fronts on Gills Neck Road (Sussex Road 267), which is part of the Historic Lewes Byway, the applicant should expect the following requirements:*
 - o *No new billboards, variable message boards, or electronic message signs will be permitted anywhere on or off Gills Neck Road within 660 feet of the closest right-of-way edge.*

Response: Acknowledged. No billboards, variable message boards or electronic message signs are proposed.

- o *There is a Kings Highway Gills Neck Road Master Plan adopted and recognized for this transportation and byway corridor. The Master Plan can be viewed at https://www.deldot.gov/Programs/byways/pdfs/lewes_cmp/KHGN_MasterPlan_092616finalrx.pdf. The Master Plan was undertaken to be implemented by DelDOT, the Historic Lewes Byway Committee, the City of Lewes, Sussex County, and other key stakeholders. A typical cross section for future roadway and right-of-way improvements in consideration of context sensitive design solutions for Byway Transportation Corridors will be developed. At this stage and for the applicant's project, efforts under the Transportation or Byways Master Plan call for a landscape buffer along the front of the property where reasonable. The Master Plan also calls for a Shared Use Path across the entire front and a connection to the Junction and Breakwater Trail. As discussed below, DelDOT will require the Shared Use Path.*

Response: Acknowledged and addressed. A landscape buffer and shared use path are proposed. Connection to the Junction and Breakwater Trail is also proposed.

- o *As part of the plan review process, the applicant may be required to look for context sensitive design solutions with regard to the location of further landscape screening or buffering of their development from Gills Neck Road. Landscaping or landscaping design placed in public right of way or within dedicated easements may be dictated.*

Response: Acknowledged and addressed. The landscape buffer is not proposed within the Right-of-Way or proposed Permanent Easement.

- o *The applicant may be asked to work with or provide updates to the Historic Lewes Byway Committee.*

Response: Acknowledged.

- **Comment:** *The site access on Gills Neck Road must be designed in accordance with DelDOT's Development Coordination Manual, which is available at [http:// www.deldot.gov/Business/subdivisions/index.shtml?dc=changes](http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes).*

Response: Acknowledged and addressed.

- **Comment:** *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. This meeting was held on February 9, 2018. DelDOT's notes from the meeting identified the following key points, some of which are reiterated elsewhere in these comments:*

- *A 5-foot wide right-of-way dedication and a 15-foot wide Permanent Easement (PE) are required.*

Response: Acknowledged and addressed.

- *A Shared Use Path instead of the proposed sidewalk shall be constructed across the property frontage. The Shared Use Path shall interconnect with the existing Junction and Breakwater Trail.*

Response: Acknowledged and addressed.

- *A 15-foot PE exists across the lands of Showfield, LLC to the west to allow the Shared Use Path from this project to interconnect with the existing Junction and Breakwater Trail.*

Response: Acknowledged and addressed.

- *The Shared Use Path must terminate with the shoulder on the east side of the property.*

Response: Acknowledged and addressed.

- *The island should be pulled away from the entrance to allow a continuous crosswalk and to improve left-in access for larger vehicles.*

Response: Acknowledged and addressed.

- *A minimum 5-foot (10 feet is desirable) wide green space is required between the shoulder and the Shared Use Path.*

Response: Acknowledged and addressed. A 5 ft. wide greenspace is proposed.

- *A hammerhead design is not required at the entrance. The existing 5-foot wide shoulder is appropriate for a local road. Therefore, the entrance curbing*

can be adjacent to the existing shoulder if the turning template for the design vehicle works.

Response: Acknowledged and addressed.

- o *DelDOT will determine whether it owns the land beneath the Junction and Breakwater Trail. It is possible that an easement across this land may be required for the water main installation.*

Response: Acknowledged. To date, DelDOT has not verified ownership. Based on our research of the Sussex County Land Records, the land in question appears to be active open space owned by Showfield Lewes, LP, Tax Parcel 335-8.00-51.11.

- **Comment:** *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.*

Response: Acknowledged. Fee payment would be addressed during the design phase.

- **Comment:** *Per Section 2.2.2.1 of the Development Coordination 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. The PLUS application states that the proposed development would generate 246 vehicle trip ends per day. DelDOT calculates that the development would generate 301 vehicle trip ends per day on weekdays, of which 28 would occur during the evening peak hour of Gills Neck Road. Regardless, the above criteria would not be exceeded, so DelDOT will not require a TIS.*

For any development generating more than 200 vehicle trip ends per day, DelDOT may require a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. DelDOT has not identified such a need at this time.

Response: Acknowledged.

- **Comment:** *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 Gills Neck 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.*

Response: Acknowledged and addressed.

- **Comment:** *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 Gills Neck Road. By this regulation, this dedication is to provide a minimum of 30 feet of*

right-of-way from the physical centerline of both roads. 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."

Response: Acknowledged. Right-of-Way dedication would be addressed during the Initial Stage process.

- **Comment:** *In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.*

Response: Acknowledged. Easements would be addressed during the Initial Stage process. Sight distance triangle encroachments are not proposed.

- **Comment:** *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 Gills Neck 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."*

Response: Acknowledged. A permanent easement would be established during the Initial Stage process.

- **Comment:** *In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at <https://www.deldot.gov/Business/subdivisions/pdf:/Critical-Items-Record-Subdivision.pdf?09222017>.*

Response: Acknowledged. The Site/Record Plan would be prepared during the design phase.

Comment: *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.*

Response: Acknowledged. The Traffic Generation Diagram submitted prior to the Pre-Submittal Meeting would be finalized during the design phase.

- o *Depiction of all existing entrances within 300 feet of the proposed entrance*

on both roads.

Response: Acknowledged. Existing entrances would be depicted on the Site/Record Plan during the design phase.

- o *Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

Response: Acknowledged. No offsite improvements are anticipated or proposed.

- **Comment:** *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 streets for subdivisions. Private or municipal streets should follow the County's requirements for connectivity.*

Response: Acknowledged. Based on current development trends, pedestrian connectivity is proposed.

- **Comment:** *Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 1 and 2 Areas are required to install a sidewalk or Shared Use Path along their frontage. DelDOT may accept a fee in lieu of construction where a physical impossibility exists but no such impossibility is evident. DelDOT anticipates requiring a Shared Use Path along the development frontage.*

Response: Acknowledged. A shared use path is proposed.

- **Comment:** *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.*

Response: Acknowledged. No requirement for a transit stop is currently proposed. A transit stop will be provided if required.

- **Comment:** *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 both Gills Neck Road.*

Response: Acknowledged and addressed.

- **Comment:** *Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at <https://www.de1dot.gov/Business/subdivision/pdf>*

/Critical-Items Entrance Construction Subdivision.pdf?09222017.

Response: Acknowledged. Construction/Entrance Plans would be prepared during the design phase.

- **Comment:** *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.*

Response: Acknowledged. Turning templates would be provided during the design phase.

- **Comment:** *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 entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.sbtml>.*

Response: Acknowledged and addressed. The Auxiliary Lane Worksheet submitted at the Pre-Submittal Meeting indicates that auxiliary lanes are not warranted.

- **Comment:** *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.deldot.gov/Business/subdivisions/index.sbtml>.*

Response: Acknowledged and addressed. No encroachments of the entrance sight triangle are proposed.

- **Comment:** *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.*

Response: Acknowledged. No utility relocations are proposed. Connection to existing utilities would be submitted for approval through the utility permit process.

- **Comment:** *Because the proposed development would not have State-maintained streets, 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.*

Response: Acknowledged.

- **Comment:** *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.

Response: Acknowledged. This comment would be addressed during the design phase.

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

- **Comment:** *The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.*

Response: Acknowledged. No permits from DNREC other than the Construction Stormwater NOI and the Sewer Construction Permit are anticipated.

State Historic Preservation Office - Contact Carlton Hall 736-7404

- **Comment:** *There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.*

*Abandoned or unmarked family cemeteries are very common in the State of Delaware . 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 you would like to see more information, please review the following websites:
www.history.delaware.gov/preservation/umhr.shtml and
www.history.delaware.gov/preservation/cemeteries.shtml.*

Response: Acknowledged.

- **Comment:** *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. 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

Response: Acknowledged. No federal involvement is proposed.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. These suggestions do not represent State code requirements. They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (but in no way required) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- **Comment:** *Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision streets. DelDOT recommends that monuments be furnished and placed along the proposed streets in accordance with this section.*

Response: Acknowledged. Right-of-way monuments would be placed during the construction phase.

- **Comment:** *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Gills Neck Road.*

Response: Acknowledged. Utility access from the proposed internal street is proposed.

- **Comment:** *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

Response: Acknowledged and addressed.

- **Comment:** *Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

Response: Acknowledged and addressed.

- **Comment:** *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8, 2017. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

Response: Acknowledged and addressed.

- **Comment:** *In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed wit this letter.*

Response: Acknowledged.

- **Comment:** *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 pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.*

Response: Acknowledged. Generally all comments that are applicable to this project would be incorporated into the project during the design and permitting phase.

Respectfully Submitted,



Robert J. Palmer, P.E.
President | Senior Engineer

RJP/skm

cc: Mr. Joshua Mastrangelo
Ms. Janelle Cornwell, Director