STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

September 23, 2024

Woodin + Associates, LLC
Jayme Baer
111 Patriot Drive,
Suite D
Middletown, DE 19709

RE: PLUS review – Poole East; 2024-08-03

Dear Mr. Baer:

Thank you for meeting with State agency planners on August 28th, 2024 to discuss Poole East. According to the information received, you are seeking review of a proposed Site Plan with commercial uses, restaurants, retail, and self-storage facility on 32.6 acres zoned C-3 (Employment/Regional Retail).

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 the Town of Middletown is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.**

Strategies for State Policies and Spending

This project is located in a Level 1 investment area, which is consistent with the 2020 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. Because development in Level 1 is consistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning Coordination supports this Site Plan.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- Any site access points onto State maintained roads 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.

- Pursuant to Section 1.3 of the Development Coordination 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 https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- In terms of traffic analysis this location is within the West Town Transportation Improvement District (TID). Assuming this project meets the requirements of the West Town TID no Traffic Impact Study will be required and participation in the TID will satisfy traffic analysis requirements.

- Section 1.7 of the Development Coordination 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.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Middletown Warwick Road and Levels Road. The following right-of-way dedication note is required, "**An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- In accordance with Section 3.2.5.1.2 of the Development Coordination Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. 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 dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- Referring to Section 3.4.2.1 of the Development Coordination Manual, the following items, among other things, are required on the Record Plan:

    - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.

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

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required.

- In accordance with Section 3.8 of the Development Coordination 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 all frontage roads.

- In accordance with Section 5.2.9 of the Development Coordination 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.shtml.

- In accordance with Section 5.4 of the Development Coordination 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.shtml.

- In accordance with Section 5.14 of the Development Coordination 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.

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Stormwater Management

The project proposes greater than 5,000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Town of Middletown.

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically https://enoi.dnrec.delaware.gov/, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Town of Middletown at (302) 378-9120.
Website: https://middletown.delaware.gov/

General Stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Water Resources Protection Area

A Water Resource Protection Area is located on the southern two-thirds of the site. These are the delineated areas which contribute water to a public water supply. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

- Applicants must comply with local ordinances for Water Resource Protection Areas, which normally have requirements limiting the amount of impervious cover and types of land uses that can occur within these areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the northern corner and center of the property, as well as a potential blue line stream in the central wetland. The application indicates that wetlands have not been delineated. The application does not propose direct impacts to the wetlands/waterways.

- If plans change and wetlands are disturbed, please contact the Wetlands and Waterways Section for more information on permitting requirements.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

Federally Threatened, Endangered or Protected Species – Bog Turtle
Habitat suitable for the bog turtle (*Glyptemys muhlenbergii*) exists on the project site. This turtle is protected under the Federal Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required. Projects can be submitted through the Information for Planning and Consultation tool through the U.S. Fish and Wildlife Service at https://ecos.fws.gov/ipac/.

- To ensure that the project will not impact bog turtles or their habitat, a Phase I survey for bog turtle habitat must be conducted on the entire project parcel(s) prior to any land disturbing activity taking place. Phase I surveys can be conducted any time of year when ice and/or snow cover is not present.

- If potential bog turtle habitat is found during Phase I surveys, you are required to either:
    1. Completely avoid all direct and indirect project impacts to the wetland and implement a 300-foot buffer of the wetland, in consultation with the U.S. Fish and Wildlife Service and DNREC Division of Fish and Wildlife; or

2. Have surveys (Phase II and/or trapping) conducted to determine if bog turtles are present. In accordance with Delaware's bog turtle site survey procedures, surveys must be conducted by a qualified bog turtle surveyor between April 15 and June 15. Please note that surveys may confirm presence of turtles, but they cannot confirm absence and guidance to minimize impact to the habitat may be applicable even if bog turtles are not found during surveys

- All bog turtle surveys must be conducted by a Delaware approved bog turtle surveyor.

- Please contact the DNREC Division of Fish and Wildlife Species Conservation and Research Program to obtain a list of professionals who are qualified to conduct Phase I and II surveys.

State Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/conservation/

U.S. Fish and Wildlife Service Contact: Chesapeake Bay Ecological Services Field Office at (410) 573-4599.
Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

Wastewater Disposal Systems – Large Systems

- For wastewater conveyance offsite by way of a new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

Contact: DNREC Commercial and Government Services Section at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**.

Parcel Status within County Evacuation Zone Location

- The parcel is not yet located within a New Castle County Evacuation Zone.

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There is a potentially significant archaeological site, known as the Rumsey Tenant Site (N14497), within the (western part) subject parcel. This site, which contains an 18th/19th c. historic component as well as a precontact component, was identified by DelDOT for the US 301 project.

- It was recommended for further survey, but such work was not carried out as DelDOT was able to avoid the site. DelDOT also identified and evaluated another archaeological site, known as the Sandy Branch Precontact Site 1 (N14502), immediately adjacent to the subject parcel.

- This site was found not eligible for listing in the National Register of Historic Places. However, the survey was limited to the area within DelDOT's Right of Way and did not include the subject parcel.

- The presence of both of these sites indicates high probability for archaeological resources to be impacted by the proposed project. Our office **strongly** recommends archaeological survey of areas not covered by DelDOT's survey, and avoidance of the Rumsey Tenant Site.

- If avoidance is not feasible, we strongly recommend further archaeological investigation. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54). If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394
This document is for information purposes only and does 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):

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. (Mercantile, and Storage)

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Apartments, Assembly and Business)

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)

- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.

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

- 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

- The mini storage, parking structure, and restaurant(s) will require automatic sprinkler protection.

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 subdivision from Commerce Drive, Middletown Warwick Road, and Levels Road 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.

Gas Piping and System Information:

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

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"

- Proposed Use

- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units

- Square footage of each structure (Total of all Floors)

- National Fire Protection Association (NFPA) Construction Type

- Maximum Height of Buildings (including number of stories)

- 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

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 Stephen Bayer 302-760-4834

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

- 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 dates of March 21, 2019 and March 16, 2021. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Town of Middletown at (302) 378-9120.
Website: https://middletown.delaware.gov/

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Waterways Section prior to clearing and/or excavating ditch channels.

- All precautions should be taken 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.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/

Excellent Groundwater Recharge Area

- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Forested Wetlands, Vegetated Buffer Zones, and Key Wildlife Habitat
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of forested wetlands in the central portion of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians. The forested wetland on this property is also mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan.

To reduce impacts to these species, the following is recommended:

- As proposed, Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.
- It is recommended to increase the existing buffer to 100 feet along all wetlands, including those containing existing forest or natural vegetative cover.
- Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Maintain vegetated buffer zones as either meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Sustainable Practices

- On large expanses of impervious surfaces and asphalt, design parking areas to include trees for shading.

- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Consider installing electric vehicle charging stations for customers and employees. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 80% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/).

- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities ((https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Consider planting select areas with native trees. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an

increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.

- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: https://dnrec.delaware.gov/climate-coastal-energy/

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

Population

- The county has a population density of 1321.50 per square mile based on the US 2020 Census report; an increase from 2010 at 1,241.00 persons per square mile. The specific census block(s) the project is located on has a total population of 183, though, with development, this will undoubtedly change. The 26 adjacent blocks aggregated bring the area to a total population of 1178.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

Expected Annual Loss
× Social Vulnerability
÷ Community Resilience
= Risk Index

- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience and social vulnerability are both rated as **relatively high.**

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes **utility/natural gas** as the predominant fuel type for heating purposes.

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs or solar panels where applicable and allowable, and the like.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- 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.

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.

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

Sincerely,

David L. Edgell, AICP
Director, Office of State Planning Coordination