

January 25, 2023

PLAWX-19001

Mr. David L. Edgell, AICP
Director, Office of State Planning Coordination
State of Delaware Executive Department
122 Martin Luther King Jr. Boulevard South
Haslet Armory – Third Floor
Dover, Delaware 19901

RE: PLUS Review 2022-12-08
College Road Apartments

Dear Mr. Edgell:

Thank you for meeting with us on December 21, 2022 to discuss the above referenced project. We have received your review letter dated January 23, 2023 (attached as reference). On behalf of the developer, we acknowledge receipt of these comments which will be fully considered during the land development design phase of the project. The following responses shall be noted at this time:

Strategies for State Policies and Spending

- The proposed improvements are located within a Level 1 investment area where infrastructure is existing or readily available, and where future redevelopment projects are expected and encouraged.
- The Office of State Planning Coordination has no objections to the site plan.

Code Requirements/Agency Permitting Requirements

Department of Transportation

- DelDOT will accept an Area Wide Study (AWS) Fee in lieu of a Traffic Impact Study.
- The developer will submit a Letter of No Objection to Recordation (LONOR) Application and Entrance Plan Application to DelDOT.

Department of Natural Resources and Environmental Control

- Provisions will be incorporated so that access to the Fork Branch Nature Preserve is provided through the subject property within the Railroad Avenue right-of-way.
- Fencing with wind screening and signage (to be provided by the Office of Nature Preserves) may be added between the subject site and the Fork Branch Nature Preserve, where appropriate.
- There is no proposed impact to wetland areas.
- A 50' wide vegetated buffer is proposed adjacent to wetland areas.
- No structures or features, except for a proposed active recreation trail, are proposed within the floodplain.
- A Detailed Sediment and Stormwater Plan Application will be prepared.

- There is no land disturbance within the Excellent Groundwater Recharge Area.
- The subject property is not located within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant.
- There are no known archaeological sites or known National Register listed or eligible properties on the parcel assemblage.

Recommendations/Additional Information

DART First State

- Covered bicycle parking may be provided.

Department of Natural Resources and Environmental Control

- Natural habitats will be conserved to the maximum extent practicable.
- Appropriate erosion and sediment control measures will be taken during construction activities.
- Removing forested areas for development will be avoided to the greatest extent possible.
- The developer will consider voluntarily participating in the Natural Areas Preservation Program.
- Electric vehicle (EV) charging stations may be incorporated within the parking areas.
- According to FEMA's National Risk Index, the parcel is considered relatively low for overall natural hazards risks.

Delaware State Housing Authority

- DSHA supports the site plan.

We thank you for your continued assistance with this project. If you have any questions/comments or require additional information, please do not hesitate to contact me at this office.

Respectfully submitted,
PENNONI ASSOCIATES INC.



Douglas D. Barry, PE
Associate Vice President

Attachments



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

January 23, 2023

Andrew Shields
Pennoni Associates, Inc.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713

RE: PLUS review – 2022-12-08; College Road Apartments

Dear Mr. Shields:

Thank you for meeting with State agency planners on December 21, 2022 to discuss the proposed plans for the College Road Apartments. According to the information received and the revised site plan presented at the PLUS meeting, you are seeking review of a site plan for the construction of 2 six-story apartment buildings with a total of 332 dwelling units, parking, and other site improvements.

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

Strategies for State Policies and Spending

The proposed improvements to the site are located in a Level 1 investment area, which is consistent with the 2020 Strategies for State Policies and Spending. A large portion of parcel 2-05-06700-02-5600-00001 is located in an Out of Play area according to the 2020 Strategies for State Policies and Spending. Out of Play areas are defined as areas not available for private development. Specifically, this site contains 100 Year Floodplain, requires a wetland buffer, and is part of the Delaware Ecological Network. The site is located in the municipal boundary of the City of Dover.

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

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projects are expected and encouraged by State policy. Development in Level 1 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this site plan provided that no development occurs in the Out of Play areas directly adjacent to the Level 1 area and the improvements avoid environmental features on the site and meet the relevant codes and ordinances of The City of Dover.

Code Requirements/Agency Permitting Requirements

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

- The following access comments refer to what DelDOT will be looking at regarding entrances during the plan review process. As there are different ways for sites to access the state-maintained road network, the comments reflect what roads and access points DelDOT will be looking at when the applicant submits plans for review and approval. The site access on College Road (KCR 99) through Mishoe Street (Municipal 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>.
- Pursuant to Section 1.3 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 https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017. Previous Project Coordination meetings are not sufficient for this purpose.
- Section 1.7 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.
- 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. Using the 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 332 mid-rise multifamily housing units, would generate 1,504 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 131 and 127, respectively. Therefore, a TIS would normally be required.
 - Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$15,040. AWS Fees are used to fund traffic studies, not to build improvements.

- The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve College Road, within the limits of their frontage or within the limits needed for construction of any required auxiliary lanes, to meet DelDOT's standards associated with its Functional Classification. College Road is a Minor Arterial, for which the standard includes 12-foot lanes and 8-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.
 - Questions regarding the requirement to improve the site frontage should be directed to the Kent County Review Coordinator, Mr. Olayiwola Okesola. Mr. Okesola may be reached at Olayiwola.Okesola@delaware.gov or (302) 760-2409.
- Referring to Section 3.4.2.1 of the 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.
 - Depiction of all existing entrances within 300 feet of the proposed entrance on College Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DelDOT anticipates requiring an accessway to connect the site to the sidewalk along College Road.
- 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 College Road.
- 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.shtml>.
- 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.shtml>.

- 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.
- The project has frontage along the Delmarva Secondary rail line. The applicant is to work with the railroad program manager for DelDOT, Rich Sinegar. Mr Sinegar can be reached at Richard.Sinegar@delaware.gov regarding any requirements associated with the rail line when the project comes in for plan review.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3480

Disclaimer Clause: 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.

Concerns Identified Within the Development Footprint

Nature Preserves

The site is located adjacent to the Fork Branch Nature Preserve, which borders the project parcel along the northwestern edge. The Articles of Dedication for the Fork Branch Nature Preserve have been provided for your reference.

Requirements:

- As the owner of parcel 2-00-06700-01-0101-00001, DNREC has the right to retain access to this property through the established right-of-way, known as Railroad Avenue. Currently, the project plan does not include a cut out in the cul-de-sac at the end of Railroad Avenue. It is required for the engineer to include this cut out on the project site plan to ensure access is still available to DNREC's property.
- The developer must maintain pre-development hydrology to prevent impacts to the adjacent Nature Preserve. The pre-development hydrology should be verified by another engineering firm or an expert in urban hydrology.
- The location of the northernmost parking spaces and trail is an area of concern for the Office of Nature Preserves, as these features are proposed only 3-5 feet from the shared

boundary. The Office of Nature Preserves requires a provision for fencing at this boundary, to be temporary during construction and permanent afterwards.

- A wind screen should be added to the required fencing along the northern boundary of the project parcel to ensure that litter from the nearby dumpsters is caught at the fence line. This windbreak should then be maintained at least weekly, if not daily.
- Nature Preserve signage will be supplied by the Office of Nature Preserves to ensure it is known that encroachment from both the construction workers and the residents into the Nature Preserve is prohibited.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

Natural Areas

The forested area that currently exists on the northern third of the site is connected to a much larger contiguous forest complex extending into land designated as the Fork Branch Natural Area. Natural Areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware.

Requirements:

- Local codes and ordinances may apply to protect areas designated as Natural Areas. Please consult with local planning agencies to see how local codes and ordinances may impact the proposed development of this site.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

Wetlands and Subaqueous Lands

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the northern half of the site. The application indicates that wetlands have been delineated. The application does not propose direct impacts to the wetlands.

Requirements:

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Vegetated Buffer Zones

Site plans show 50-foot vegetated buffer zones along non-tidal wetlands. Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

Requirements:

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), a portion of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. A portion of this is also situated within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding), identified as a shaded zone-X. No structures or features, except for a trail, are proposed within the floodplain.

Requirements:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://floodplanning.dnrec.delaware.gov/>

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/>

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

Requirements:

- 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 Kent Conservation District.
- 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://apps.dnrec.delaware.gov/enoi/>, 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: Kent Conservation District at (302) 608-5370.

Website: <http://kentcd.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Excellent Groundwater Recharge Area

A small portion of an Excellent Groundwater Recharge Area is located on the northern portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

Requirements:

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Nutrient Management Plan

This project proposes open space of approximately 24 acres.

Requirements:

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.

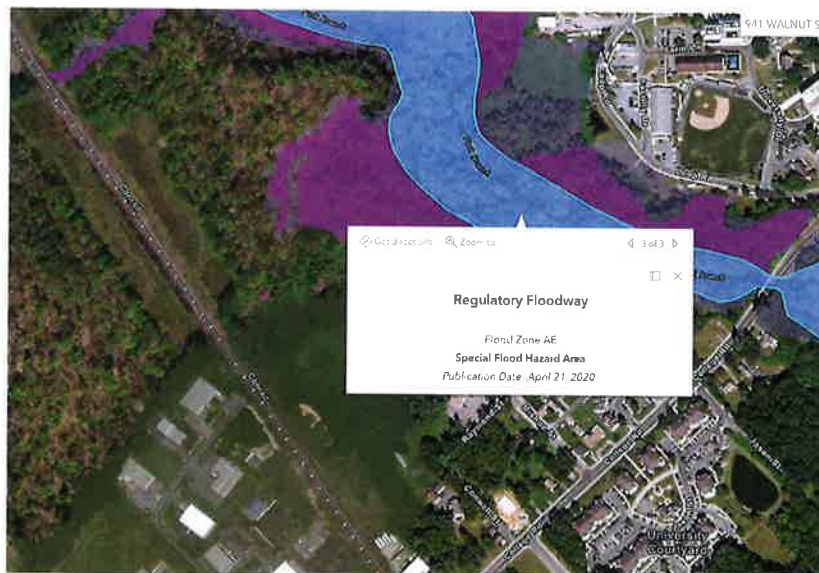
Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558.

Website: <https://agriculture.delaware.gov/nutrient-management/>

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

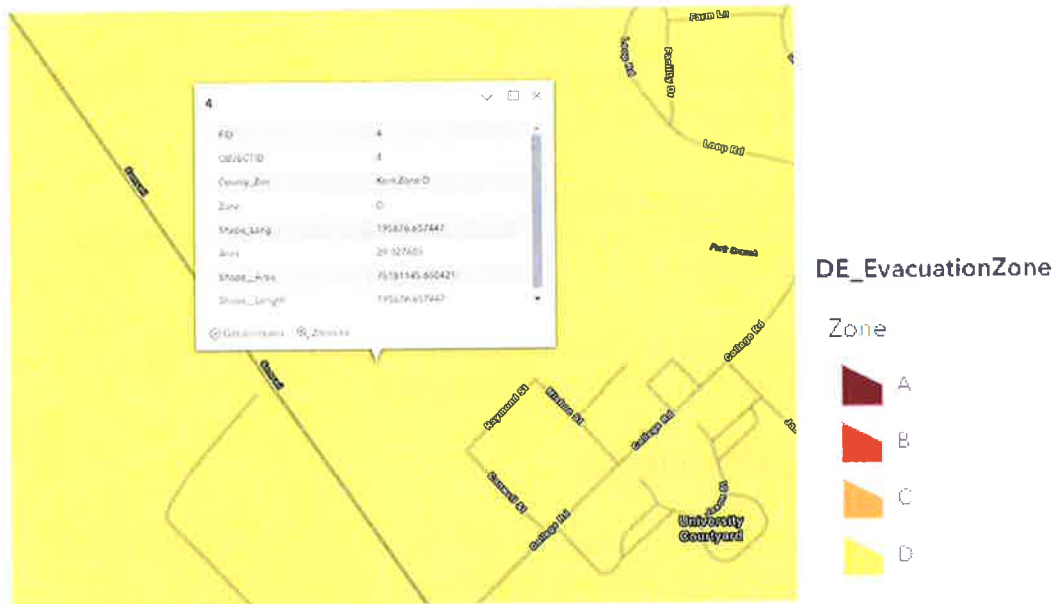
Proposed Project Parcel Flood Concern

- This parcel primarily is located within an area of **Minimal Flood Concern of 1000 years or greater; however, some sections appear to be within a 1% Flood Concern for 100 years and a Regulatory Floodway identified as Flood Zone AE.**



Parcel Status within County Evacuation Zone Location

- The parcel(s) is/are located within Kent County's Evacuation Zone D.



***DEMA recommends and encourages the *County Evacuation Zone Location* be made publicly available to businesses and patrons through signs, pamphlets, or other means.

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 are no known archaeological sites or known National Register listed or eligible properties on the parcels. While there are no archaeological sites immediately within the proposed project area, there are numerous sites adjacent to the parcels in question.
- The project area carries a high potential for historic resources based on the presence of numerous agricultural dwellings in the area, as indicated by historic maps. Furthermore, the project area carries high potential for native American archaeological resources based on the presence of several environmental factors conducive to human settlement; some of those factors would include immediate access to fresh water, well drained soils, and the preponderance of previously recorded archaeological sites nearby which are located in similar environments. The project area has also seen minimal disturbance, based on

historic aerals, and is still predominantly wooded. This high potential for historic and precontact archaeological remains in conjunction with the limited amount of disturbance may indicate that archaeological resources may still be present in the project area. **This office recommends an archaeological survey prior to any ground disturbance.**

- 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).

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

- The Office of State Fire Marshal does not have jurisdiction in the City of Dover. Comments should come from the City of Dover Fire Marshal.

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

- Please be advised there is a Capital Transportation Program (CTP) project in the area. College Road, Kenton Road to McKee Road (Project number T202311701) is a project in the current FY23-FY28 Program that may affect the site. The applicant should coordinate with DelDOT during the project's plan review and building process.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to College Road.
- 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, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

DART First State – Contact Jared Kauffman 302-576-6062

- Covered bicycle parking is recommended.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3480

State of Delaware Rare, Threatened, or Endangered Species

The DNREC Division of Fish and Wildlife has records of a historic heron rookery (nesting area for herons) in Fork Branch Natural Area, within the forested portion of the proposed project site. As aerial imagery suggests, suitable habitat is also present within the project site and could potentially support breeding herons.

- Scientists from the DNREC Division of Fish and Wildlife request a site visit to survey the project area and ensure wildlife and critical resources will not be impacted. Contact the Species Conservation and Research Program if the landowner will grant a site visit.
- To minimize negative impacts to these species, we recommend that natural habitats be conserved to the maximum extent practicable.
- If conserving the forested area is not feasible, we recommend that tree clearing not occur April 1st and September 15th to protect breeding herons. This clearing recommendation would only protect these species during one breeding season, because once trees are cleared the result is an overall loss of habitat.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

Key Wildlife Habitat

The non-tidal coastal plain stream on this property is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is part of a large wetland complex that can support an array of plant and animal species across the landscape.

- Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.
- Maintain an upland buffer of at least 100 feet, comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses, or wildflowers.

- The St. Jones River supports diadromous species, including blueback herring (*Alosa aestivalis*), alewife (*Alosa pseudoharengus*), white perch (*Morone americana*) and American eel (*Anguilla rostrata*). To minimize potential impacts to these species, appropriate erosion and sediment control measures should be taken during construction activities and adequate shoreline buffers should be maintained.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Delaware is home to a rich array of wildlife species, which greatly depend on forests and other habitat types for food, water and cover.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests are a key habitat type for wildlife in Delaware.
- Deer, groundhogs, and rabbits will browse on ornamental landscaping. Reduce the potential for future conflicts between future residents and wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Delaware Ecological Network

Most of the parcel lies within lands designated within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value. This GIS data layer is based on principles of landscape ecology and conservation biology, providing a consistent framework to identify and prioritize areas for natural resource protection. Forest disturbances on this site will jeopardize habitat on the parcel and likely beyond the parcel's boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while also reducing carbon that contributes to climate change.

Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Removal of Mature Forest

The preliminary plan proposes the elimination of forest on the site. An analysis of historical data indicates that the forest area located on the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Natural Areas and Nature Preserves

- As proposed, reduce environmental impacts in Natural Areas by avoiding development or destruction of sensitive natural features such as, but not limited to, wetlands, hardwood forests, or riparian buffers.
- Consider voluntarily participating in the Natural Areas Preservation Program, which would permanently protect the Fork Branch Natural Area located on the parcel by dedicating it as part of the Fork Branch Nature Preserve. Conservation options include fee-simple sale of land within the Natural Area, donation of the land within the Natural Area, or placing a Conservation Easement on the Natural Area. Placing a Conservation Easement would allow the landowner to retain ownership of the land while selling the development rights to a Conservation Entity, in this case, DNREC.

Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039.

Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>
<https://dnrec.alpha.delaware.gov/parks/open-space/conservation-easements/>

Wetlands and Subaqueous Lands

- As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and

improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Vegetated Buffer Zones

- Expand the proposed 50-foot vegetated buffer zones to 100 feet. These zones should be placed from the edge of wetlands and all waterways to protect water quality and to provide an additional margin of safety for flooding.
- 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.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/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.alpha.delaware.gov/fish-wildlife/contact-information/>

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

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: Kent Conservation District at (302) 608-5370.

Website: <http://kentcd.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.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 Subaqueous Lands 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.alpha.delaware.gov/drainage-stormwater/>

Water Quality (Pollution Control Strategies)

This site lies within the St. Jones River Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

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 Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Mosquitoes

The project is expected to be impacted by mosquitoes due to its location near large expanses of wetlands. Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands for mosquito control services beyond what DNREC has the resources to provide.

- If necessary, arrange for long-term mosquito control services through a private company licensed in this area of specialty. In some cases, the DNREC Mosquito Control Section may be able to provide these services free of charge.

Contact: DNREC Division of Fish and Wildlife, Mosquito Control Section at (302) 739-9917.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

Additional Sustainable Practices

- Install electric vehicle (EV) charging stations for your residents. Increasingly, residents will expect EV charging. 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 90% 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.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).

- Use 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.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- 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.
- 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.alpha.delaware.gov/climate-coastal-energy/>

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

Population

- The county has a population density of 310.20 per square mile based on the US 2020 Census report: an increase from 2010 at 271.30 persons per square mile.
- The specific census block(s) the project is located on has a total population of 40, though, with development, this will undoubtedly change.
- The adjacent blocks aggregated brings the area to a total population of 1193.

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, Hail, 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.

$$\begin{array}{l} \text{Expected Annual Loss} \\ \times \text{ Social Vulnerability} \\ \div \text{ Community Resilience} \\ \hline = \text{Risk Index} \end{array}$$

- According to FEMA's National Risk Index, the parcel is considered **relatively low** 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 is rated as **relatively high**. In contrast, its social vulnerability is rated as **relatively moderate**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes utility 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 where applicable and allowable, and the like.

Delaware State Housing Authority - Contact Karen Horton 302-739-4263

- DSHA supports the site plan for the construction of 332 rental units on 31 acres located north of Raymond St. and east of Railroad Ave. in Dover. Two six-story multi-family buildings will include first-floor parking and residential in the upper floors. While market-rate, multi-family rental units offer a *more* affordable option to the many county residents experiencing housing insecurity.
- Due to the intensity of the proposal, we recommend a human-scaled and pedestrian-oriented site layout that incorporates attractive streetscapes, significant landscaping measures and connections to adjacent neighborhoods and trail networks. In addition, visually-appealing façade treatments are important for creating a desirable quality community where all households can thrive.

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

Attachment:
DNREC Forestdale Articles of Dedication

Tax Parcel 2-00-06700-01-0100-00001

Prepared By And Returned To:
Department of Natural Resources
And Environmental Control
89 Kings Highway
Dover, Delaware 19904

ARTICLES OF DEDICATION

These Articles of Dedication are made this 25th day of April, 2016 by the Department of Natural Resources and Environmental Control, hereinafter "Department" and the Division of Parks and Recreation, hereinafter "Division".

WHEREAS, it is the policy of the State of Delaware that areas of unusual significance be set aside and preserved for the benefit of present and future generations; and

WHEREAS, a Natural Areas Preservation System has been established by the Department pursuant to 7 Del. Code, Chapter 73, to be administered by the Office of Nature Preserves within the Division, with the assistance of the Natural Areas Advisory Council; and

WHEREAS, the State of Delaware owns the tax parcel located in Kent County, State of Delaware, known as the Forestdale Farm and under the control of the Department and managed by the Division; and

WHEREAS, the conservation values of the site include extensive wooded swamp and mixed hardwood upland forest surrounding the northwestern tip of Silver Lake in addition to the presence of a rookery and nesting Bald Eagle; and

WHEREAS, this parcel of land contains an identified State natural area, known as the Fork Branch Natural Area; and

WHEREAS, the aforesaid Fork Branch Natural Area was identified and entered on the Delaware Natural Areas Registry in 1980, updated in 2006, the Department now desires to dedicate a portion of tax parcel 2-00-06700-01-0100-00001, as identified in Exhibit "A" as a Nature Preserve within the Delaware Natural Areas Preservation System and to declare and set forth restrictions which shall be binding upon the aforesaid Fork Branch Nature Preserve in perpetuity; and

WHEREAS, the Natural Areas Advisory Council recommended approval of the Articles of Dedication at its March 12, 2015 public meeting.

NOW, THEREFORE:

Know that the Department, pursuant to 7 Del. Code, Chapter 73, hereby designates 58.319 acres consisting of a tract of land to be known as the Forestdale Farm Tract of the Fork Branch Nature Preserve, located in Kent County, Delaware, hereinafter "Nature Preserve". The purpose of a nature preserve is to protect significant features of the natural heritage of Delaware and guarantee their existence for future generations. The Department, and specifically the Office of Nature Preserves within said Department, agrees to administer and to monitor the following restrictions to aid in the protection and maintenance of the Nature Preserve.

The Department reserves the right to impose regulations upon use of the Nature Preserve by the general public provided that such regulations are reasonably related to (a) ensuring the safety and health of persons utilizing the Nature Preserve, (b) ensuring that the natural and cultural resources located on the Nature Preserve are not materially and/or adversely affected by use by the general public; and (c) ensuring that use of the Nature Preserve by the general public conforms with the requirements of law. Any activity on or use of the Nature Preserve inconsistent with the purpose of these Articles of Dedication is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited and the Department voluntarily agrees and declares that the following restrictions are placed thereon in perpetuity.

1. No construction or placing of buildings, improvements, facilities, communication towers, or other structures on, above or under the ground, except for low-impact recreational amenities (i.e., canoe camping); without the consent of the Office of Nature Preserves with final approval by the Department Secretary.
2. No signs, billboards or outdoor advertising structures shall be placed or maintained on the Nature Preserve; except for a reasonable number of signs for resource protection, safety, boundary identification, management, and interpretation of natural and cultural areas.
3. No construction of roads, trails, or parking facilities, except for infrastructure identified in an approved trail plan.
4. No construction of utilities or public works structures; except within existing rights-of-way.
5. No placing or dumping of material or substances as landfill, trash, waste, or unsightly or offensive materials. No disposal, burial, storage, or stock piling of junk, vehicles, equipment, liquid or solid waste or other liquid or solid materials shall be allowed.

6. No dumping, depositing, abandoning, discharging or releasing of any gaseous, liquid, solid or hazardous waste, substances, materials or debris of whatever nature on, in, over, or under the ground or into surface or ground water shall occur; except as permitted by law.
7. No loam, peat, gravel, soil, rock, sand, or other similar material shall be deposited on, placed, excavated, dredged, or removed; nor shall there be made any change in the general topography of the land except for approved materials associated with erosion control, habitat enhancement, authorized cultural resource activities, or public health and safety issues, except for as noted in Section 1.
8. No removal or destruction of trees, shrubs, wildflowers or other vegetation or animal species; except for control of diseases, pests, invasive species, non-native species, and noxious weeds; for safety purposes; for proper management of species, natural communities and cultural resources; and for approved trail plan.
9. No intentional introduction of non-native, non-indigenous plant and animal species; except for those used for control measures and then only if compatible with the maintenance of the natural features of the Nature Preserve.
10. No use of pesticides, herbicides, insecticides or other chemicals, except as may be necessary for the purposes set forth in Section 8 above. If the natural balance of the area is threatened, control measures may be employed that are compatible with the maintenance of the natural features and consistent with the purpose of preserving the conservation values of the Nature Preserve.
11. No collecting of plant, animal, fossil, mineral, or cultural resources; except for approved scientific research and nature study, in accordance with applicable State and Federal regulations and permits.
12. Hunting, fishing and trapping is permitted for recreational and ecological management purposes.
13. Recreational, educational and scientific activities shall be passive in nature (not unduly destructive to the natural resources on site) and limited to trail areas and low-impact recreational amenities, and consistent with maintaining the character of the Nature Preserve.
14. No other acts, uses or discharges shall be allowed which adversely affect the plant and animal species or the preservation of land or water areas on the Nature Preserve.
15. All exceptions and allowances are subject to the approval of the Office of Nature Preserves.

It is understood and agreed that the imposition of these restrictions shall in no way void or replace any protective status under law which the land would have were it not a nature preserve, but shall be supplemental thereto.

IN WITNESS WHEREOF, the Department of Natural Resources and Environmental Control, by its Secretary, and the Division of Parks and Recreation, by its Director, has executed this document the day and year aforesaid.

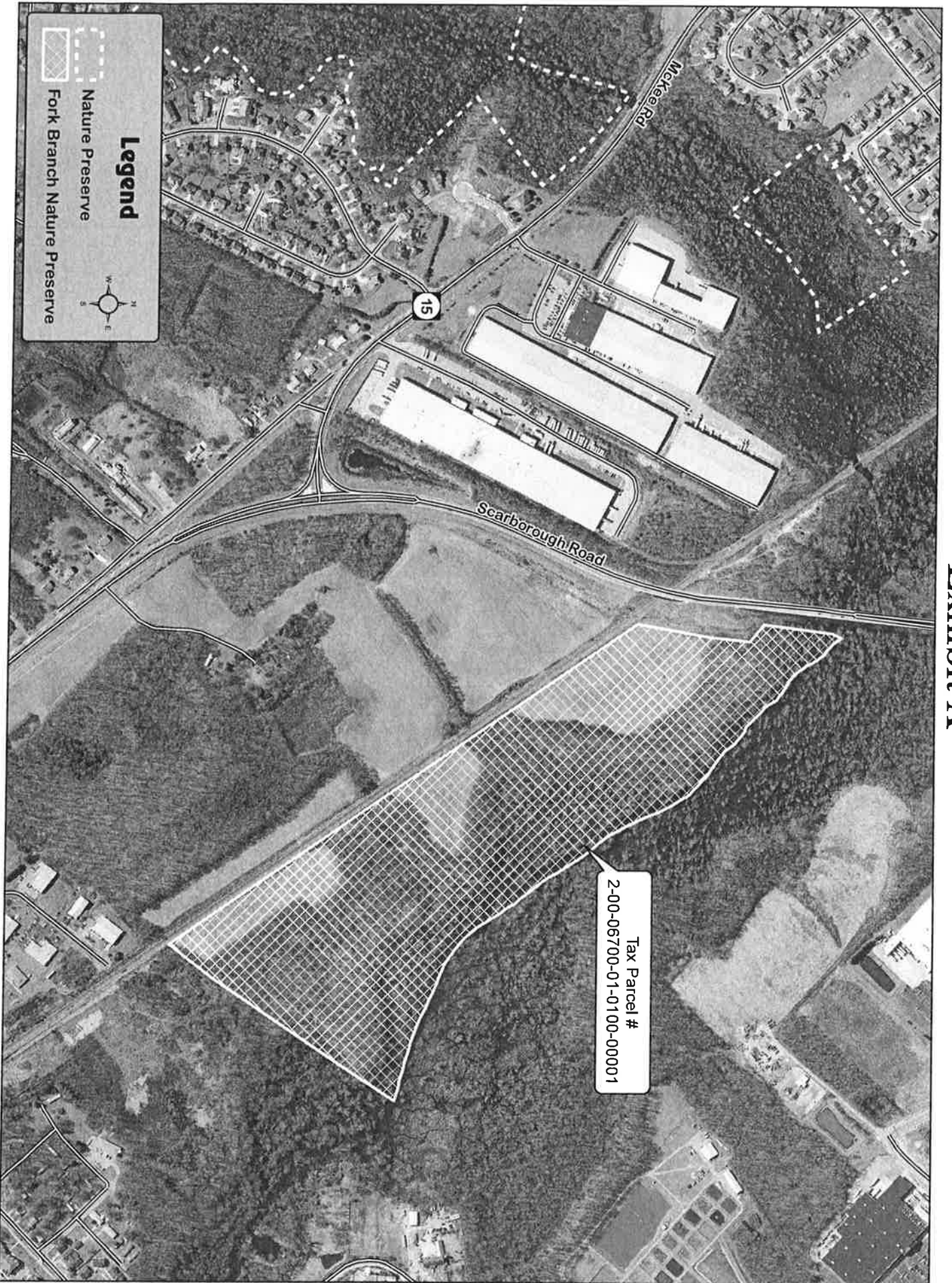
Division of Parks and Recreation
Resources

Department of Natural
and Environmental Control

By:  (SEAL)
RAYMOND E. BIVENS, Director

By:  (SEAL)
DAVID S. SMALL, Secretary

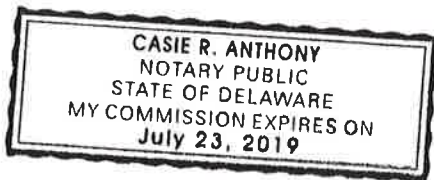
Exhibit A



STATE OF DELAWARE)
)ss.
COUNTY OF KENT)

BE IT REMEMBERED, that on this 25 day of April, 2016, personally came before me, the Subscriber, a Notary Public in and for the State and County aforesaid DAVID S. SMALL, Secretary of the Department of Natural Resources and Environmental Control, party to this Instrument, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said Department.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Casie R. Anthony
Notary Public

STATE OF DELAWARE)
)ss.
COUNTY OF KENT)

BE IT REMEMBERED, that on this 21st day of April, 2016, personally came before me, the Subscriber, a Notary Public in and for the State and County aforesaid RAYMOND E. BIVENS, Secretary of the Department of Natural Resources and Environmental Control, party to this Instrument, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said Department.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Charles R. Vickers
Notary Public

