



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 23, 2019

Mr. Zachary Crouch, P.E.
Davis, Bowen & Friedel, Inc
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2019-06-02; Dutchman; s Toil

Dear Mr. Crouch:

Thank you for meeting with State agency planners on June 26, 2019 to discuss the Dutchman's Toil project. According to the information received, you are seeking review of a site plan for 140 condominiums on 8.582 acres along Rt. 9 in Lewes.

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 Lewes has 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

This project is located in Investment Level 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.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The proposed project is located or is adjacent to Savannah Road (Business Route 9). This transportation corridor is part of the Federal Aid Primary Road System and the Lewes Scenic and Historic Byway. Accordingly, parts of the subject development are subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:
122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

- No new billboards, variable message boards, or electronic changing message sign(s) anywhere within 660 feet of the closest byway right-of-way edge.
- No off-premises advertising on the property for others within 660 feet of Savannah Road e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.

For more information on the Byways program, please see

<http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9>.

- The site access on Savannah 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 P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- 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.
- Section 1.2 of the Manual provides DelDOT's general policy on the location of entrances, with additional, detailed criteria provided in subsequent chapters and sections. The site entrance should be located to meet the spacing criteria in Figure 1.2.1-a as nearly as possible, subject to the need to provide adequate auxiliary turning lanes.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day.

From the plan accompanying the PLUS application, the proposed condominiums are one of two uses proposed on the subject parcel. The other is a 175-unit senior living facility that would front on Kings Highway. Through a cross-access easement, both uses would have access to both Kings Highway and Savannah Road. Following is a table adapted from one on the plan just mentioned. DelDOT confirms the accuracy of the trip generation presented there based on the development shown on the plan.

Development	ITE Land Use Code	Dwelling Units	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday Daily
Condominiums	220	140	66	80	1,018
Continuing Care Retirement Community	255	170	25	28	420
Total			91	108	1,438

Section 2.2.2.2 of the 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. If the City requires a TIS, DelDOT will support their requirement and will not accept the AWS Fee.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Regardless of whether a TIS is done for this development, DelDOT anticipates requiring the developer to participate in improvements on both Kings Highway and Savannah Road. On Kings Highway, the improvement is a project to add lanes and bicycle and pedestrian facilities from Dartmouth Drive to Freeman Highway. Design of that project is scheduled for Fiscal Years 2023 and 2024, with right-of-way acquisition and construction to follow. On Savannah Road, the project is a pavement rehabilitation contract discussed in another comment below. The specific amounts of the contribution(s) have yet to be determined but the AWS Fee, if paid, would not be counted in that regard. AWS Fees are used to fund traffic studies, not to build improvements.

- 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 Savannah Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Savannah Road. The following right-of-way dedication note is required, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”**
- 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.
- 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 Savannah 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.”**

- 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 Savannah Road entrance.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. DelDOT supports the concept of serving the proposed development, the Garner Property (Tax Parcel No. 335-8.00-36.01) and the Warrington Property (Tax Parcel No. 335-8.00-36.02) by means of a single entrance. The interconnections shown between the subject condominiums and the senior living facility, such that both developments have access to both Kings Highway and Savannah Road are of critical importance. If the parcel is to be subdivided, easements in this regard should be shown on the plan.
- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared-Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. The type(s) of facility to be installed should be discussed at the Pre-Submittal Meeting but DelDOT anticipates requiring an SUP along Savannah Road from Atlantic Drive to the Georgetown-Lewes rail trail. The design and construction of the path will need to be coordinated with a project being built through DelDOT's Transportation Alternatives Program to add a sidewalk and curb along the south side of Savannah Road from Quaker Road to the Georgetown-Lewes rail trail, scheduled to begin in the fall of 2020 and to be complete in the spring of 2021.

Further in this regard, in accordance with Section 3.5.4.3 of the Manual, DelDOT anticipates requiring walkways from the sidewalk to connect to roads D and E.

- 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. At the PLUS meeting, the developer asked whether bus stop construction could be included in DelDOT's planned Transportation Alternatives Project for Savannah Road. That may be possible but it has yet to be determined.

- 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 Savannah Road. Preliminarily, Storm Water Management Facility 1 meets this criteria as shown.
- 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.deldot.gov/Business/subdivisions/pdfs/Critical-Items_Entrance_Construction_Subdivision.pdf?09222017.
- 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 entrances. As per Section 5.2.3 of the Manual, entrances shall be designed for the largest vehicle using the entrance.
- 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>.

Further in this regard, DelDOT anticipates restriping Savannah Road to create a center left turn lane by reducing the existing shoulders, from Wescoats Road to Drake Knoll Road. This restriping is associated with a pavement rehabilitation project that was originally scheduled to begin in 2021. The 2021 date notwithstanding, the project is on hold pending completion of three other projects:

- a Lewes Board of Public Works sewer project affecting Savannah Road between Ebenezer Branch and Donovans Road (Sussex Road 263), possibly beginning in early 2020 but with some uncertainty,
 - the sidewalk project discussed above and
 - DelDOT's capital project to realign Old Orchard Road (Sussex Road 269A) opposite Wescoats Road (Sussex Road 12), scheduled to begin in the fall of 2021 and to be complete in the fall of 2022.
- 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.
- 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 entrance construction requires Level I inspection and that a construction inspection agreement will not be needed.
- 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.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- 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 (Del. C. Title 7, Ch. 54).
- 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. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for multi-family (apartment) sites, 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 occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- 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

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.
- 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 Bill Brockenbrough 760-2109

- In several locations along Roads C, E and F, parking is arranged such that residents backing out of the spaces in front of their homes would have neighbors parked on either side of them and directly across the street from them. This condition should be avoided where possible. Particularly along Road C, which would have relatively high traffic, it could be difficult for residents to get out during the morning peak hour. Consider transposing Storm Water Management Facility 2 and Building 5 and transposing Storm Water Management Facility 3 and Building 8 to minimize the extent to which this occurs.
- As a general comment, for safety and operations, parking spaces should be located away from intersections. Of particular note, the eight spaces proposed along Road B between Roads A and C should be located elsewhere.
- To minimize conflicts between vehicles and pedestrians at the intersection of Roads A and B, the crosswalks should be located on the opposite two legs of the intersection from where they are shown.
- If possible, the sidewalk shown on the northeast edge of the property should be widened to an 8-foot Shared-Use Path and extended from Savannah Road to Kings Highway.
- Savannah Road is part of the Lewes Scenic and Historic Byway, a map of which is available at <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=03d5049bc49041658cfecad5fd6ba8b9>. Because of the subject lands' location relative to the Byway, the applicant should expect the following requirements:
 - Byway signs may be required along Savannah Road as part of the plan review process.

- Landscaping or landscaping buffers and/or vegetation screening along the byway is strongly encouraged. DelDOT has suggested list of native and low maintenance vegetation plantings. If efforts are undertaken or partially undertaken in state right of way, maintenance responsibility will need to be formalized in written agreements with DelDOT.
- For more information regarding the byway, the applicant may contact Byways Chair Ms. Mary Roth by email at mroth@delawaregreenways.org or phone at 302.545.2881.
- 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 Savannah 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 version and look for the revision date of March 21, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

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

Water Quality Recommendations

- Consider using pervious pavement/pavers in parking areas to help minimize impervious cover.
- Use green stormwater management technologies where feasible.

Fish & Wildlife

- A review of the DNREC database indicates that there are currently no records of state-rare or federally listed plants, animals, or natural communities at this project site.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

- 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.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA strongly supports the site plan for 140 condominiums on 8.5 acres along Rt. 9 in Lewes. The developer is partnering with the Diamond State Community Land Trust (DSCLT) who has an excellent track record to ensure that 42 will be permanently affordable homeownership by placing a restrictive covenant each home. Homebuyers are required to go through extensive counseling to learn about owning a home and also to understand how the affordability restriction works. This ensures the subsidy (resulting from OA Vantage II Schell selling units at cost to the DSCLT) is carried from homebuyer to homebuyer when it is sold. More information on the Diamond State CLT can be found at www.diamondstateclt.org
- Another nice feature is the requirement that the unit must be the owner's primary residence. For example, in market rate homeownership units, the owner can flip the home and rent it out. Under this arrangement, the maximum amount of time the homeowner can rent their home is three months, with permission from the DSCLT. The state applauds the City of Lewes partnering with DSCLT to oversee the selling of units on the front end and monitor the ongoing compliance.
- The proposal uses the big house design concept which makes the site appear less dense. A similar design was used in the very popular Paynter's Mill community in Milton.
- But most importantly, this proposal will provide housing affordable to county residents who work in the coastal resort area where few affordable housing options exist, but the need is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed.
- Providing affordable housing for current and future residents is a state *and local issue*. At a time when Federal resources for housing are diminishing and the need is greater than ever, the Dutchman's Toil collaboration is an excellent example of bringing a variety of partners, resources, and strategies together to ensure residents can live close to their jobs and gain access to the resources and benefits this area provides for years to come.
- DSHA takes this opportunity to highlight www.DelawareHousingSearch.org – a free service for listing and advertising for-sale homes built or refurbished with government subsidies and/or income eligibility restrictions that make them affordable to Delawareans who otherwise might not be able to purchase a home. This free service, guided by an Advisory Group of State, county, local governments, and non-profits, provides real-time and detailed property information in both Spanish and English. The service can be accessed online and is supported by a toll-free, bilingual call center. In addition to listing over 27 percent of the state's rental inventory (market and affordable), it provides a centralized platform for eligible for-sale units increases the visibility of available, affordable housing.

If you have any questions or would like more information, please feel free to call me at (302) 739-4263 ext. 251 or via e-mail at karenh@destatehousing.com.

Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- Workforce housing is a major draw for transit usage, and 140 units can provide decent ridership, especially when so dense. As such,
 - A Type 2 5’x8’ pad is needed
 - A complementary Type 2 5’x8’ pad is needed that is connected to a pedestrian pathway to get across Savannah Rd. This side of Savannah Rd will not be a part of the upcoming sidewalk project along Savannah Rd.
 - Direct connections between homes from the SUP to the internal pathways are needed

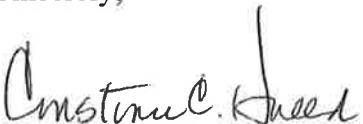
Sussex County – Contact Rob Davis 302-855-7820

- Sussex County does not expect to provide sanitary sewer service within the City of Lewes or within its growth and annexation area. Therefore, the Sussex County Engineering Department does not have comments regarding the proposed development of 140 condominium units in Lewes.

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,


Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: City of Lewes