NEWARK DELAWARE
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PLANNING & DEVELOPMENT
CITY OF NEWARK

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July 22, 2021

Mr. Al Schweizer
Frogtown, LLC
1101 Millstone Drive
Newark, DE 19711

Dear Al:

The City of Newark's Subdivision Advisory Committee has reviewed the minor subdivision plan for 1025 &1033 Barksdale Road (PR#21-06-01). We have the following comments:

Electric Department

1. Electric service is available from Barksdale Road from pole 24E14. The existing pole (24E14) will need to be replaced with a taller pole. The cost is to be determined once electric service locations are finalized. The developer must pay all the reconfiguration costs.

2. An open utility easement is required and must be listed on the prints.

3. A suitable location approved by the Electric Department will be required for pad-mounted transformers.

4. Someone must contact the Electric Department with information on the transformer location and electric service needs before any costs can be calculated. The developer must pay all costs for electric service infrastructure.

5. The developer must submit the detailed load calculation and electrical single line diagram for the project.

6. The developer will be responsible for the cost of the electric meters.

7. The developer is responsible for trenching, backfilling, and installing 2-4" conduits for all underground high and low voltage cables per City standards.

8. The developer must pay all costs for electric service infrastructure. The price is subject to a yearly CPI escalation from the date of council approval.

9. The developer must pay up to $4,000 to repair the smart meter system if the building causes interference.

Parks and Recreation Department

1. We need a tree mapping of all trees on the property 12" or greater along with an indication of all trees that are to be removed.

2. All trees remaining in or near the LOD will need a tree protection plan.

Police Department

1. Applicant will need to coordinate with City of Newark Police to obtain addresses for the new lots. The addresses must be approved by Police and included on Subdivision plan before the plan is submitted to the Planning Commission.

Planning and Development Department

Code Enforcement Division

1. No comments at this time.

Fire Marshal

1. Future submission should include a Fire Marshal Plan including the following:

   - Name of the building or subdivision
   - Plan date
   - Full address
   - Specific planning department project number ***(PR#21-06-01 for this project)***
   - Owner's name and address
   - Design Professional's name and address
   - Applicant's name and address
   - Intended use of building or buildings

- Name of water supplier
- Location of all fire hydrants ***(note that the current closest hydrant may not be close enough)***
- Location and diameter of all water mains supplying fire protection water
- Maximum height of the building
- Proposed building construction
- A plan note stating "The proposed buildings will be protected by automatic sprinklers"
- Location of any fire lanes, their markings, and their widths
- A plan note stating "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the State Fire Prevention Regulations."

Land Use Division

1. Sec. 27-3.(f)(4) indicates all lots must front on a street and flag lots (lots connected to a right-of-way by a narrow strip of land) are only allowed if a lot is at least two times the lot area required in the zoning district. The submitted plan does not show a street. It only appears to show what could be best described as an easement with a shared driveway. All properties must front on a street. From Sec. 27-18 definitions (Right-of-way), a street includes a right-of-way that is not included in the dimensions of a property. As recommended in an earlier email, perhaps a switch in zoning to RD would provide enough space for a street right-of-way and the required building setbacks. But it does appear that the distance between the front two homes is going to make it difficult to get a street to the rear lots. Perhaps part of the garage of the southern lot could be removed and/or a variance from the BOA obtained for the setback of the front homes from the new access street.

2. Per Sec. 32-56.2(d)(2), each story or part of a building, exclusive of cornices and uncovered steps and uncovered porches, shall be set back from the side street line the same distance as the required setback from the front street line as required in that district. This means the front buildings of the proposed development must be set back from the new access road the same as the building is set back from Barksdale Road. Again, this might be be easier to accomplish with the zoning changed to RD, but it looks like it will still likely require the removal of some of the garage of the southern structure and/or a variance from the BOA.

3. The submitted plan still shows both of the existing home's driveways on the plan. This layout almost results in a 65-ft wide exit from Barksdale Road (just a 5' break in the middle) and a 55 ft wide paved driveway just 10-ft off of the Barksdale Road right-of-way. This is not a desirable configuration and should be reconsidered.

4. The paved access road through the proposed lots as an easement through the lots is not allowed by Chapter 27. In the Code, Sec. 27-18. includes the definition of right-of-way as:

   "strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for landplatting purposes shall mean that every right-of-way hereafter established and shown on an approved subdivision plan is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the developer or owner of the approved subdivision on which such right-of-way is established."

   Additionally, a couple of the lots exceed the allowable total lot coverage with the access road going through them. Again, laying out the lots as RD lots may enable the lots to meet the zoning area and setback requirements.

5. None of the buildings shown on the plan are set back from the new street 25 ft as required by Sec. 32-9(c)(5). Again, laying out the lots as RD lots may enable the lots to meet the zoning area and setback requirements.

6. This development should be classified as a major subdivision, not a minor subdivision. The definition for minor subdivision describes it as the division of a parcel of land into five or less residential lots upon which building can occur, and one could argue that there are only four new lots in this subdivision on which building could occur, there are also two other lots which could be demolished and building could occur. While the department feels strongly that with the number of lots in this subdivision it should be classified as a major subdivision, we do see there could be another interpretation, but the definition also states that any development requiring new streets shall be classified as a major subdivision. Code requires each of these lots to front on a street, so the construction of a street is required. It can be a private street, but it is still classified as a street.

7. Code requires adequate bike parked be provided but be aware that bike parking can be provided in garages. Plans will need to show that garages do provide adequate bike parking.

8. Public Works General/Site comment #9 below indicates the need for emergency vehicles and trash trucks to turn around at the terminal end of the street. The applicant will need to communicate with Public Works and the Fire Marshal when designing the layout of

the street to provide adequate space for turn around.

9. Applicant should note that Chapter 27, Appendix I (b)(1) indicates the required right-of-way is 50 ft with a 32 ft paving width. It also says "Council, after receiving a recommendation from the planning commission, may modify the right-of-way width, paving, and curb requirements in specific cases due to special conditions or practical difficulties or to accompany council's consideration of plans submitted under Article XXVII, Site Plan Approval, Chapter 32 of this Code." Public Works indicates they would be comfortable with a paved road width as small as 24 ft and a right-of -way as small as 42 ft. Curbs and sidewalks will still be required and no parking would be allowed on a road that narrow.

10. Planning also suggests the applicant consider potential development of 1101 and 1107 Barksdale Road when deciding between a cul-de-sac and "T" shaped turn around. A "T" turn around might be more efficient and could eventually be extended to connect to a similar site layout on the properties next door.

Public Works and Water Resources Department

GENERAL / SITE:

1. Add the project number "21-06-01" to all plan sheets. **(Prior to Council)**

2. Include gross floor area and finished floor elevation for all proposed buildings. **(Prior to Planning Commission)**

3. Determine building addresses and identify building addresses on the plan. **(Prior to Planning Commission)**

4. The limit of disturbance (LOD) will need to be delineated on the plan and the area added to the Cover/Index Sheet. **(Prior to Planning Commission)**

5. Update the list of all utility owners on the Index/Cover Sheet to include gas, electric, cable/tv, and any other utilities identified in the project area. **(Prior to Planning Commission)**

6. Include a parking rationale in the Site Data column. Include standard vehicular, ADA parking, and bicycle parking. Be sure to list both the required number and proposed number. **(Prior to Planning Commission)**

7. One bicycle parking space is required for every 5 provided. Include the bicycle parking requirements in the Site Data column after the parking requirements. Provide the location of the proposed bike rack(s). **(Prior to Planning Commission)**

8. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and DelDOT Standard Construction Detail M-4 – "Bike Rack Layout Details". Include the detail for both the rack and pad layout on the plans and ensure the pad shown on the plans conforms to the size and spacing on the detail. The bike pad needs to be installed at a higher elevation than the adjacent pavement (4" min.) or separated by a curb. **(CIP)**

9. The proposed street must include a means for emergency vehicles and trash trucks to turn around at the terminal end of the street.

10. ADA compliant sidewalks and curb ramps will be required for the entire project site including existing parking areas. **(CIP)**

11. A DelDOT Entrance Plan will be required prior to Construction Improvement Plan approval. It is highly recommended that coordination with DelDOT begin immediately if it has not already.

12. A DelDOT Letter of No Objection to Recordation (LONOR) shall be furnished to the Public Works Department prior to **CIP approval**. It is highly recommended that the developer submits for a LONOR from DelDOT as soon as possible to prevent any delays in the plan review process (Subdivision Plan and CIP phases).

13. Provide an Existing Conditions Plan with any future Major Subdivision Plan submission. This plan can also include proposed demolition and termination of any utilities. **(Prior to Planning Commission)**

14. Provide a Landscape Plan for review during the Major Subdivision Plan phase. Include bioretention area plantings on the Landscaping Plan if applicable. **(Prior to Planning Commission)**

15. Provide a separate Fire Marshal Plan for review during the Subdivision Plan phase. **(Prior to Planning Commission)**

WATER & SEWER:

1. Provide an overall utility plan showing the full extent of the development and all existing (to remain) and proposed utilities on one sheet. Indicate how the proposed utilities will connect to the existing including top of structure, invert, size and material. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision Plans. **(Prior to Planning Commission)**

2. The department has provided GIS mapping of the approximate location of existing water main, sanitary sewer main, and storm water infrastructure for the design team's

reference. **(Prior to Planning Commission)**

3. An "Approval to Construct" will be required from the Department of Public Health Office of Drinking Water. A copy of the approved permit shall be furnished to the City prior to **CIP approval**.

4. Provide a wastewater flow generation summary on the Cover Sheet of future Subdivision Plans to show existing and proposed average and peak wastewater flows using New Castle County Department of Special Services flow generation standards. **(Prior to Planning Commission)**

5. A DNREC "Construction of Wastewater Collection and Conveyance Systems" permit will be required and shall be furnished to the City prior to **CIP approval**. *Required for all projects generating 2000 gallons per day average sewer flow.*

6. The Developer shall pay the Sewage Treatment Plant (STP) fee prior to the issuance of any building permit. *A credit will be given for any existing building that is to be removed.* **(CIP)**

7. Any unused water or sewer services shall be terminated at the utility main or at a location determined by the Public Works and Water Resources Department. **(CIP)**

8. The Developer shall televise any existing sanitary sewer laterals to be re-used and provide a copy of the video to the City for review. The condition will be evaluated by Public Works to determine the suitability for reuse. *Only applies if existing laterals are to be reused.* **(Prior to Council consideration)**

9. The condition of the existing downstream sanitary manhole being tied into will need to be verified. If the conditions are unsuitable the manhole will need to be replaced or restored accordingly. **(Prior to Council consideration)**

10. A hydrant flow tests will be required to verify the flow rate and system pressure are consistent with the basis of design. Public Works and Water Resources personnel must be present during flow testing to collect flow test results. Please submit an application for fire flow test to PWWR. **(Prior to Council consideration)**

11. Provide on the plans the most recent City of Newark standard details for water and sanitary sewer improvements as applicable to the project. They can be found here: https://newarkde.gov/DocumentCenter/Home/View/464. **(CIP)**

12. The anticipated peak water demand for each house will need to be provided during the CIP phase so appropriately sized water meters can be specified. **(CIP)**

13. Show the location of the water meters on the plan. The domestic water meter shall be located in a meter pit at the property line, in accordance with City of Newark Standards

and Specifications, and a detail will need to be provided on the Construction Improvement Plans. **(CIP)**

14. Ensure water and sewer lines are a minimum of 18" vertically and 10' horizontally from each other and all other utilities. **(CIP)**

15. Specify on the plans that when tying into existing sanitary sewer manholes the manhole must be core drilled and link sealed. **(CIP)**

STORMWATER:

1. This project will follow the "detailed plan" sediment and stormwater plan review process. As such, submit a Stormwater Assessment Study (SAS) in accordance with the SAS Checklist for review. **(Prior to Planning Commission)**

2. Once the SAS is submitted a Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City's Planning and Design Engineer (Michael Falkowski, mfalkowski@newark.de.us , Phone: (302) 366-7000 Ext. 2046). **(Prior to Planning Commission)**

3. Following the Project Application Meeting, a Preliminary Sediment and Stormwater Management submittal shall be made in accordance with the Step 2 Checklist. The Preliminary Sediment and Stormwater Management submittal must include preliminary plans for the site, as well as the schematic erosion and sediment control plan, with supporting hydrologic and hydraulic calculations necessary for Public Works and Water Resources to determine compliance with the latest Delaware Sediment and Stormwater Regulations (DSSRs). **(Prior to Planning Commission)**

4. Redevelopment projects that require a detailed Sediment and Stormwater Management Plan or exceed 1 acre in disturbance also require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required during the CIP phase and prior to approval. **(CIP)**

5. This area of the City, and particularly this section of Barksdale Road, has been identified as a flood prone street. As such, there shall be no increase in peak runoff rate or volume from this development.

6. Show existing and proposed contours. Provide additional high and low point elevations to allow for a determination of stormwater flow on the site. **(Prior to Planning Commission)**

7. Show the existing and proposed stormwater infrastructure and facilities on the plans, if applicable. **(Prior to Planning Commission)**

8. A wetlands report is required to be submitted for subdivision plans involving new and/or additional construction in accordance with Chapter 27, Section VIII of the City Code of Ordinances. If there are no wetlands, a letter certifying no wetland are present will need to be submitted by a wetland scientist or the professional engineer of record. **(Prior to Planning Commission)**

This plan review is solely based upon the information and details provided in the submitted documents. Additional comments may be generated following any future submissions.

I hope you find this information helpful. **Please provide a written response to all comments with subsequent submissions.** Should you have questions or need more information, please do not hesitate to contact me at 366-7000, extension 2040.

Sincerely,

Mary Ellen Gray

Mary Ellen Gray, AICP
Planning and Development Director

MEG/tf

TRENCH REQUIREMENTS

1. Trenches shall be 40" deep. 36" wide. Main line trench shall normally be dug behind the sidewalk. Trench to be backfilled with select material or sand. Fill material shall be verified and approved at a site pre-construction meeting. **(see figure 17)**

2. Underground cables will only be installed after curb installation and property lines and easements are staked and marked with final grade. Before trenches are backfilled, the soil will be evaluated, and the developer will be notified if existing soil can be used or if sand or select material will be required.

3. The City will supply the transformer pads. The developer shall install the transformer pads per city standards. **(See figure 3a)**

4. If provided, the City will install streetlights only if final landscaping is complete on any adjacent lots.

5. No shrubbery shall be installed within six (6) feet of the front of a padmount transformer or three (3) feet on the other sides. **No trees over eighteen (18) feet at maturity shall be planted under any aerial lines. (See figure 4)**

6. The City will install secondary service lateral cables only after the meter box and strapped rigid galvanized steel or schedule 80 PVC conduit are mounted. **(See figure 5)**

EASEMENTS

1. Easements may be required to install City owned facilities, easements shall be shown on the development prints.

GENERAL

1. **Before digging contact Miss Utility of Delmarva at 1-800-282-8555 for utility markouts.** If digging in the public right of way contact the City of Newark Public Works Department to obtain a permit.

2. Residential development service is 120/240-volt, 3 wire, single phase.

3. Meter boxes, rigid steel, or schedule 80 PVC riser conduit, strap and bonding bushing shall be supplied and installed by the developer. The final location will be determined by the City of Newark.

4. The City of Newark shall perform all connections to the distribution system.

5. The city of Newark shall supply and install the transformers, and pedestals.

6. The City of Newark will supply only one service lateral per lot.

7. A minimum of 24" shall be maintained between the meter and any gas piping.

8. All new wiring and equipment shall be installed in accordance with the latest edition of the National Electric Code and the City's requirements in order to be approved for connection.

9. The developer shall install conduit a minimum of forty (40) inches deep. A galvanized steel or schedule 80 PVC elbow and ten (10) feet of rigid galvanized steel or schedule 80 PVC conduit is required at the service pole. The rigid steel conduit shall be bonded to the pole ground with a conduit ground clamp. The remainder of the riser conduit may be PVC schedule 40. Customer shall furnish this PVC conduit and standoffs to the City for installation by City crews if existing energized conductors are located on the service pole. Pull string shall be installed prior to building conduit up pole. Customer is responsible for PVC conduit and standoff installation if no existing energized conductors are located on the pole. All conduits shall be stood off pole a minimum of 1+5/8". **(See figure 8)**

TEMPORARY SERVICE

1. If a customer requires temporary service, refer to attachment, **Temporary Service Requirements for installation requirements**.

INSPECTION AGENCY APPROVAL

1. The City will connect its distribution system only after receipt by the City of a notice of approval issued by a duly recognized inspection agency. In order to receive an inspection, the customer shall have a valid City of Newark Building Department Permit.

PERMANENT SERVICE ENERGIZING

1. The City of Newark Electric Department will set the meter and energize the service after the customer meets all electric service requirements including:

    a. Paying all connection fees
    b. Paying any applicable construction and material fees
    c. Paying a meter deposit
    d. Receiving a notice of approval from a duly recognized inspection agency
    e. Applying for a service for billing purposes with the City of Newark Customer Service Department.
    f. A customer representative shall be present to energize the service

ADDITIONAL METER REQUIREMENTS

1. Ringless meter sockets shall be required.

2. Use 4 jaw sockets for 120/240 volts, 3 wire service, 200 amps or smaller.

3. Use 5 jaw sockets for 120/208 volts, 3 wire service, 200 amps or smaller. **(See figure 11)**

4. A **rigid galvanized steel riser or a schedule 80 PVC conduit riser** strapped to the wall and installed eighteen (18) inches below grade with a **plastic bushing** is required (See figure 5). If meter riser conduit is encased in concrete or blacktop a slip-fitting or ground sleeve is required. **No 90-degree elbows should be used at the bottom of the service riser.**

5. A **bonding bushing** is required in the meter box if rigid galvanized steel is used.

6. A minimum of 24" shall be maintained between the meter and any gas piping.

7. Meter box shall be installed at a height of five (5) feet to the center of the box from final grade within five (5) feet of the front corner of the dwelling unless notified otherwise by a City representative **(See figure 5)**.

8. The meter shall always be accessible to City representatives and cannot be in an area that is enclosed.

See attached reference figures.

See attached **Temporary Service Requirements for installation requirements**.

Figure 3A – Transformer Box Pads

Fig. 3a

Figure 4 - Shrub Clearances Around Transformers

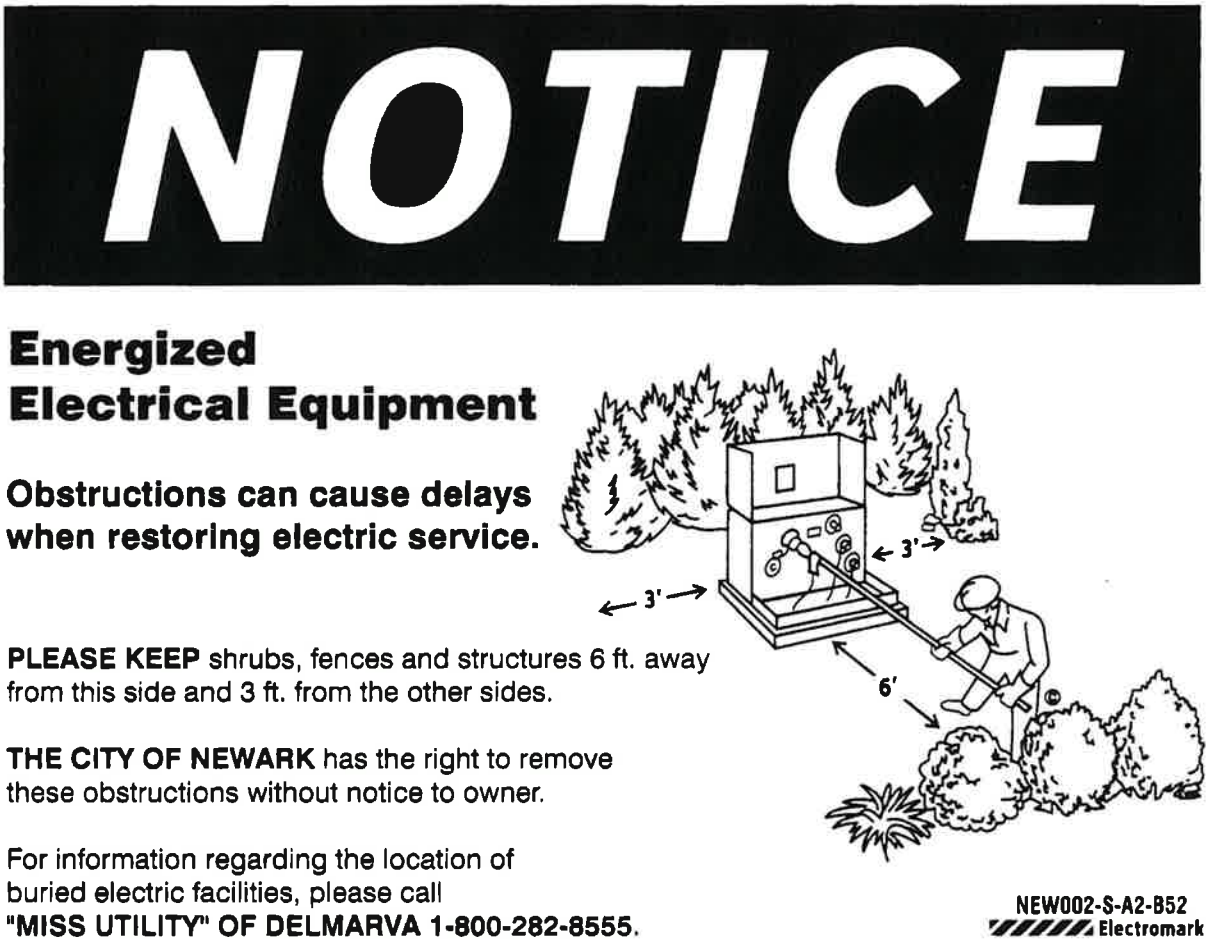


Figure 4

Figure 5 – Meter Box Installation

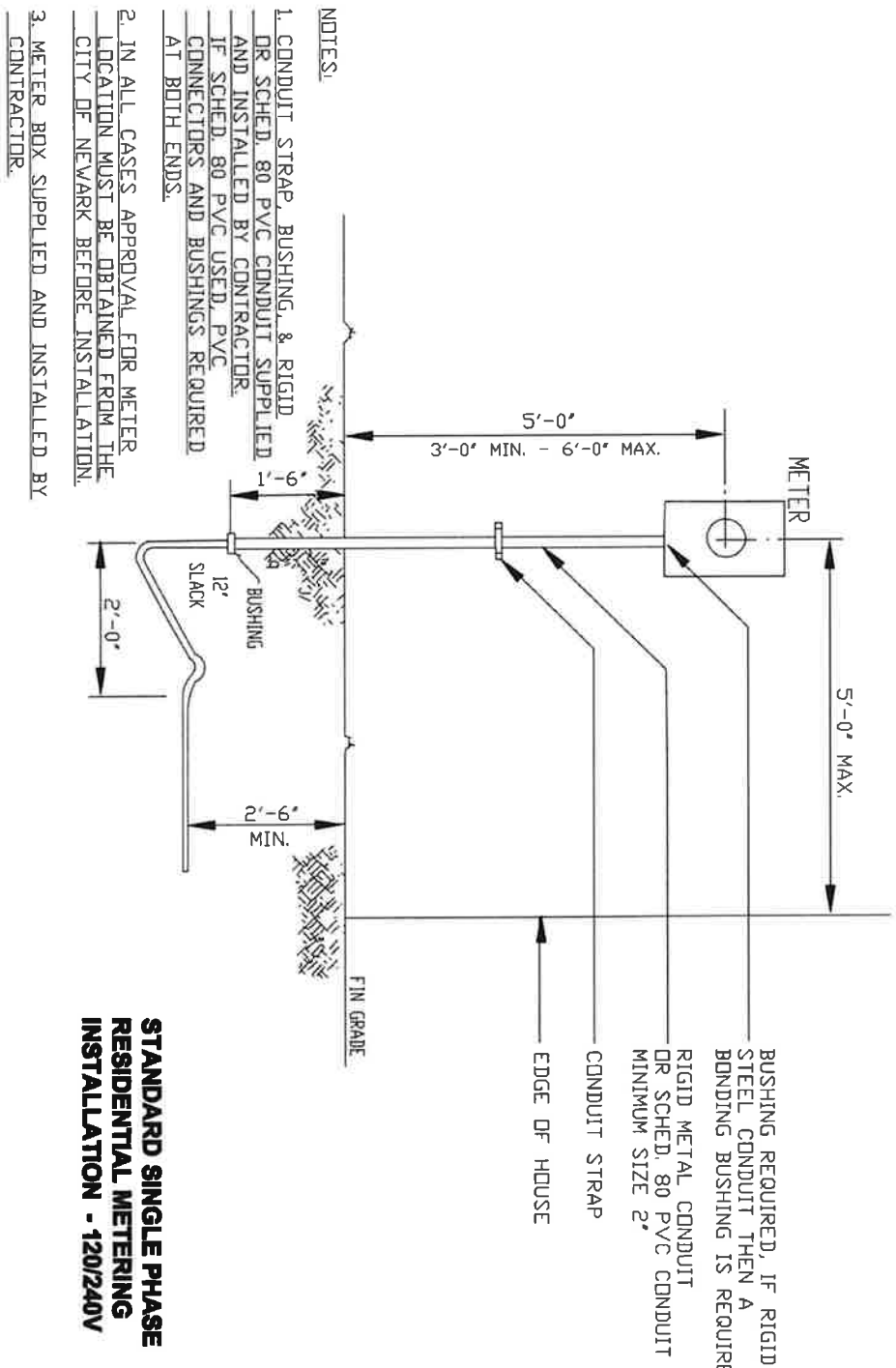
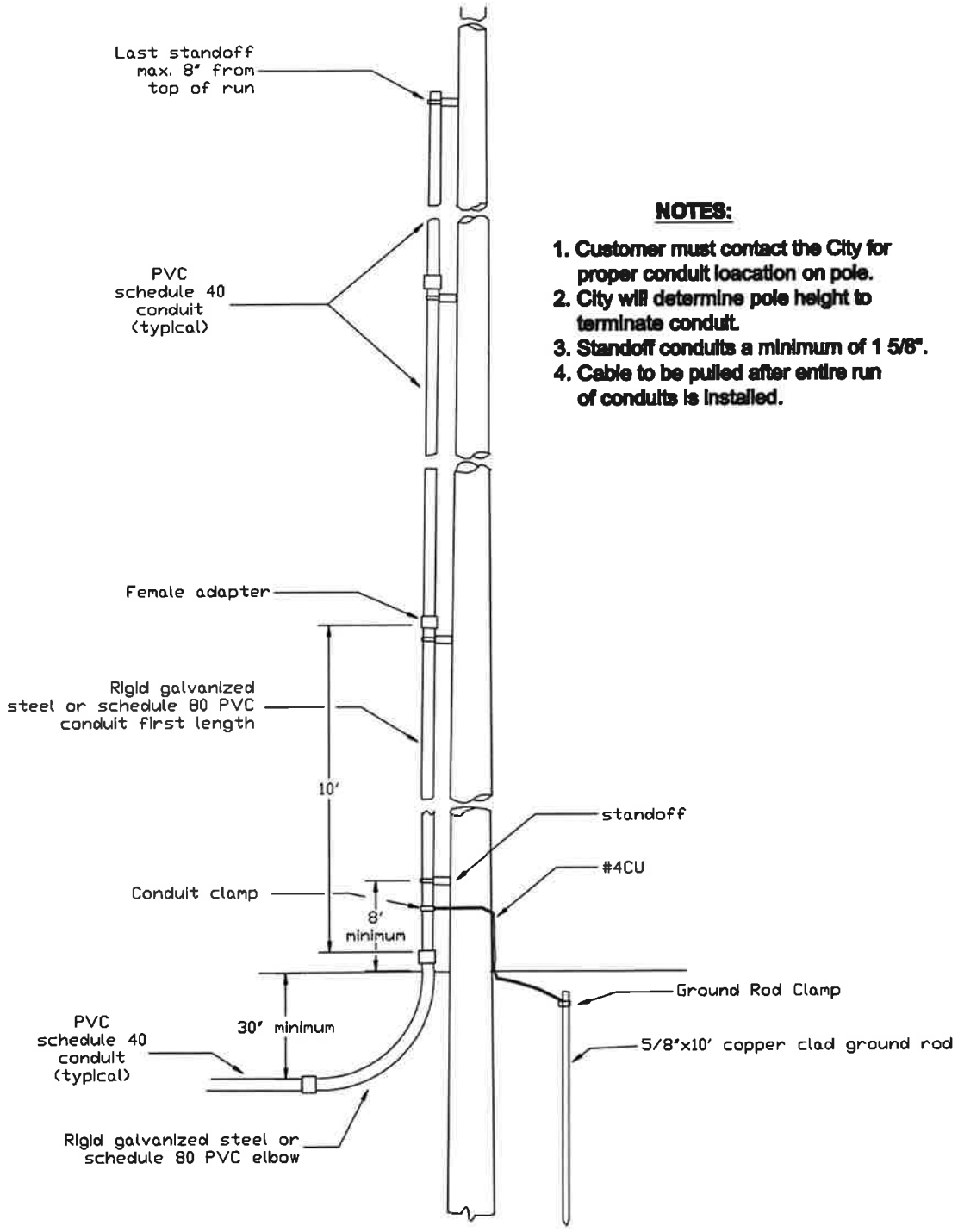


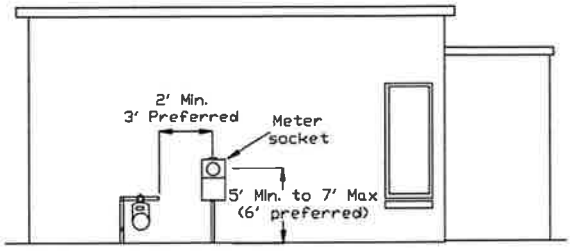
Figure 8 – Riser Pole Construction



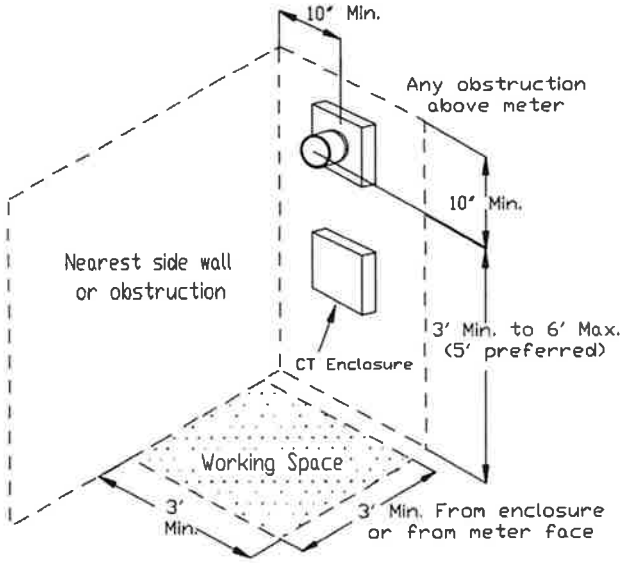
NOTES:

1. **Customer must contact the City for proper conduit loacation on pole.**
2. **City will determine pole height to terminate conduit.**
3. **Standoff conduits a minimum of 1 5/8".**
4. **Cable to be pulled after entire run of conduits is installed.**

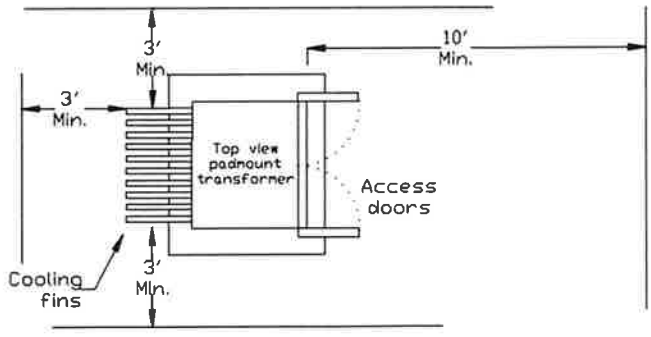
Figure 9 – Meter Clearances



Meter socket height and gas meter clearance.

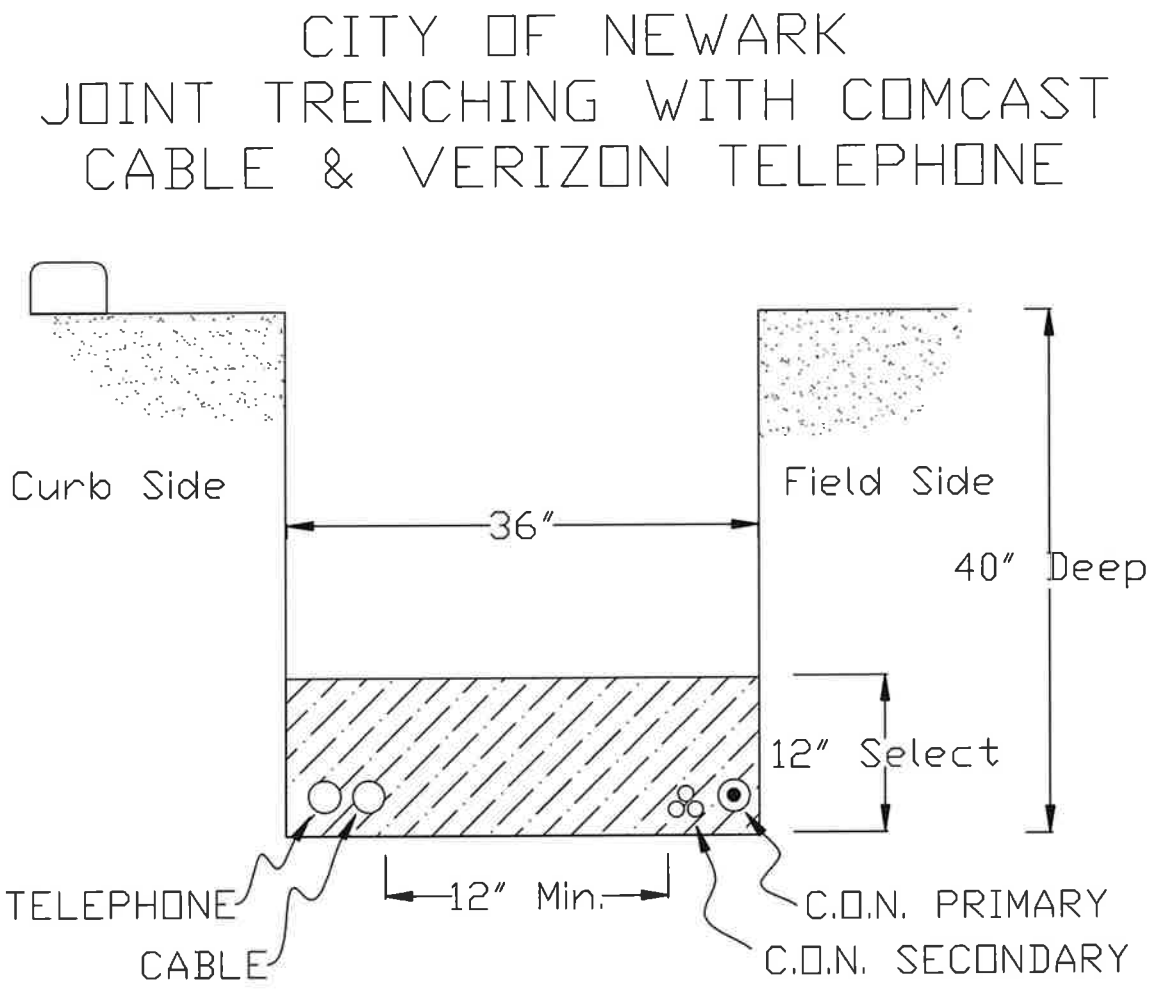


Meter socket minimum clearances.



Clear working space for padmount equipment.

Figure 17 – Joint Trenching



1025 & 1033 Barksdale - ArcGIS Web Map (Sanitar