



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 10, 2004

Mr. Phillip Tolliver, P.E.
Morris & Ritchie Associates, Inc.
18 Boulden Circle
Suite 38
New Castle, DE 19720

RE: PLUS review – PLUS 2004-04-04; Twin Farms

Dear Mr. Tolliver:

Thank you for meeting with State agency planners on April 21, 2004 to discuss the proposed plans for the Twin Farm project to be located on the south side of Johnnycake Landing road between Andrews Lake Road and Carpenter Bridge Road.

According to the information received, you are seeking to develop 210 residential units consisting of 161 single family detached houses and 149 townhouses on a 103.3 acre assemblage of parcels.

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

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is inside the Kent County growth zone, and is in the “secondary developing” of 1999 strategies and “Investment Level 3” under DRAFT strategies. We have no objections to the parcel developing under the relevant county regulations. Note that this parcel is in the vicinity of lands that are designated for annexation and as an “area of concern” in Frederica’s certified comprehensive plan, and we suggest that the developer

continue to involve the Town of Frederica in their process and plans in order to work out any mutual concerns. The Frederica Plan does not propose the annexation of this parcel.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a high probability for prehistoric archaeological sites in the subject area. It is recommended that the development stay out of the wooded areas near the streams and provide a buffer at these areas to help preserve any archaeological sites. There is a potential historic house south of the development plan, in the wooded area. Preserving the woods and providing a buffer will also help preserve this property. If there are any federal permits required with this project, the federal agency must comply with Section 106 of the National Historic Preservation Act.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT has noted the following comments regarding this project.

- On February 6, 2004, the developer's traffic engineer met with DelDOT to determine the scope of work for a traffic impact study. Presently it takes about a year from the initial scoping meeting until the completion of DelDOT's review of the final study. DelDOT commends the developer for coming to them early in this regard. By doing so, they are acting to keep the TIS process from delaying their project.
- DelDOT's review of the TIS will identify any needed off-site improvements. Thus far, they have determined that part of the improvements to Johnnycake Landing Road and Carpenter Bridge Road will include the provision of a bicycle and pedestrian path, to be located in a 15-foot permanent easement along the site's road frontage.
- Raegan Court, a proposed cul-de-sac in the northeast corner of the property should be extended to provide a stub street to the adjacent property to the east.
- It is recommended that sidewalks be required on both sides of all internal streets.
- The developer's engineer will need to submit a sight distance analysis with regard to the proposed entrance location on Carpenter Bridge Road.
- While a final decision has not been made, DelDOT may require that strip lots 11 through 22 be served internally.
- The developer's engineer should coordinate with our Subdivision Manager, Mr. George Shaw, regarding item 5 and 6 above and more broadly regarding plan approvals for the proposed development. Mr. Shaw may be reached at (302) 760-2261.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

- Well Drained – Sassafras
- Poorly drained (**hydric**) – Fallsington and Mix alluvial (floodplain soil)
- Very poorly drained (**hydric**) - Pocomoke & Johnston (floodplain soil)

Sassafras is a well-drained upland soil with few limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Mixed alluvial is a poorly drained (hydric) wetland associated floodplain soil that has severe limitations for development. Pocomoke is a very poorly-drained wetland associated (hydric) soil that has few limitations for development. Johnston is very poorly-drained (hydric) wetland associated floodplain soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of areas of palustrine wetlands on this parcel. A wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted to verify the extent of these wetlands. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. If wetland impacts are necessary, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It appears that impacts to wetlands have been avoided in this site plan. However, buffer zones of at least 100 feet from the landward edge of all delineated wetlands should be employed and lot lines should exclude both wetlands and their buffer zones to increase water quality benefits and to minimize the potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

It should also be noted that this parcel contains sensitive headwater riparian wetlands associated with an unnamed (or unknown name) headwater tributary stream to the Murderkill River. Headwater streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority.

In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural forested buffer adjacent to the Murderkill River in its entirety. Efforts to maximize or expand the existing natural buffer width via planting of native woody or herbaceous vegetation, is further recommended for those areas with less than the recommended 100-foot buffer width.

Finally, the Department further recommends that the applicant minimize the clearing/removal of trees in the upland forested areas of this parcel. Upland forested areas are important for mitigating the impacts of stormwater runoff on water quality as well as preservation of habitat for a variety of wildlife species.

TMDLs and BMPs

Total Maximum Daily Loads (TMDLs) have been developed and promulgated as regulations. This TMDL requires a 50% reduction in total nitrogen and 30% reduction in total phosphorous nonpoint source loads to the Murderkill River.

Tributary Action Teams (TATs) are completely community based consisting of local citizens, environmentalists, developers, golf course superintendents, farmers, grandparents and government officials from every level. TATs work to develop strategies to reduce nutrient contributions to the water and restore our watershed's natural habitats. The Murderkill Tributary Action Team is working to finalize recommendations related to development, individual household efforts, and to prioritize recommendations

(Pollution Control Strategy (PCS)) for this TMDL. The Team expects to have a completed PCS promulgated sometime in the fall of 2004.

Therefore, the developer must employ the best available technologies and/or best management practices that reduce nutrient loads associated development.

Stormwater Management

The Drainage Section is aware of a drainage concern on Ash Branch from the south side of Andrews Lake Road to the south side of Midstate Road. The proposed development of Twin Farms is bounded by Ash Branch, which is the outlet for the drainage concern. The Drainage Section does ask that all precautions 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.

There appear to be opportunities for stormwater management in the open space areas and along Ash Branch that should be explored if soil conditions are favorable. Recommend meeting with Kent Conservation District and DNREC both with the Drainage Section and Stormwater Program to examine this site further for stormwater management before engineering plans are developed.

Habitat

The site plan shows that the developer has avoided most impacts to the forest along the creek. Avoiding impacts to this area helps maintain important habitat and migratory corridors, and helps maintain water and air quality.

There is opportunity for habitat enhancement along the creek. The developer is strongly encouraged to plant additional buffers along this water body. Planting of additional trees and shrubs can help improve water quality, would improve habitat and would provide the community with additional aesthetic and recreational resources.

The developer is also strongly urged to consider alternatives to mowed grass within community open space areas. Mowing and other maintenance costs from lawn areas can become a substantial burden for community maintenance associations. There may be areas within the development that are appropriate for warm or cool season grasses. The maintenance costs associated with meadow type grasses are much lower than those of lawn grasses, and provide food and habitat for birds and other wildlife and can help reduce non-point source pollution.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting

the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

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:

a. **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- Where a water distribution system is proposed for townhouse type dwellings it shall be capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Johnnycake Landing Rd must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

c. **Gas Piping and System Information:**

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

d. 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”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

This proposed subdivision is located across the street from the permanently preserved Emily Miller farm, a historically significant farmstead. The Department of Agriculture encourages the developer to utilize a modified deed notice, as described below, for the subdivision:

“This property is located in the vicinity of an established Agricultural Preservation District and within an established and viable agricultural community in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”

Public Service Commission - Contact: Kevin Neilson 739-4247

There is no existing CPCN on file for this application. The water utility that is to provide service to obtain a CPCN from the Public Service Commission.

If the property is annexed into the Town of Frederica at any time in the future, the Public Service Commission must be notified in writing.

Any natural gas or closed system propane supply will have to conform to pipeline safety requirements.

Delaware State Housing Authority – Contact Karen Horton 739-4263

While it is unclear at this time what the prices will be for these units, The Delaware State Housing Authority encourages the developer to set aside some of the units for moderate-income homebuyers. The provision of these units will help address the need for affordable homeownership that was identified in the 2003 Statewide Housing Needs Assessment.

Department of Education – Contact: Nick Vacirca 739-4658

310 houses could generate an estimated 156 additional students for the Lake Forest School District. It is recommended that the developer submit a package to the school district for informational purposes.

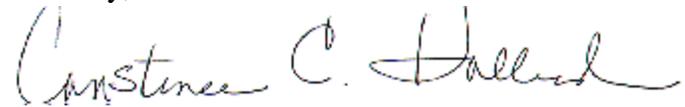
If the development is approved and built, please use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included.

In addition if any development is planned adjacent to school property, the developer should provide walking or bike paths for the use of multi modes of transportation.

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

CC: Schiff Farms, Inc.
Kent County
Town of Frederica