

July 13, 2004

J. Kevin McBride
Morris & Ritchie Associates, Inc.
404 S. Bedford Street, Suite 5
Georgetown, De 19947

RE: PLUS review – PLUS 2004-06-16; Greenlea Place

Dear Mr. McBride:

Thank you for meeting with State agency planners on June 23, 2004 to discuss the proposed plans for the Greenlea project to be located south of Market Street East, East of Burton Street.

According to the information received, you are seeking a site plan approval for 121 single family detached units.

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

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that this project is located within the Town of Georgetown and within the Investment Level 1 area of the draft 2004 Strategies for State Policies and Spending. The State Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is awaiting final approval by Governor Minner. Livable Delaware and State policies support development within existing

municipalities and Investment Level 1 areas. Therefore, the Office of State Planning Coordination supports this project's location.

We also note that the design incorporates several of the concepts included in the State's *Better Models for Development in Delaware* publication. The street layout provides for an efficient flow of traffic throughout the subdivision, without the use of cul-de-sacs. We are pleased to see a stub street to the adjacent undeveloped land. We would generally encourage a bicycle and/or pedestrian connection to the adjacent Christian High School, however we understand from discussion at the meeting on June 23, that safety and liability concerns have precluded such a connection.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT noted that this development is primarily the resubdivision of an older development that was never completed. Access to Burton Street would be by way of Pine Street and Spruce Street, two rights-of-way established under the previous subdivision plan.

The developer seeks changes in the Town's street width standards and this subject will be discussed at the Town's Planning Commission hearing on this project in July.

A single traffic impact study (TIS) is being done for this project and several others on the east side of Georgetown. The results of that TIS will be used to establish what off-site improvements will be required of the developer.

In addition to other off-site improvements that the TIS might show to be necessary, DelDOT would anticipate requiring improvements to the intersection of Route 9 and Burton Street. A median divider is proposed on Burton Street there. It is recommended that the developer's engineer continue to coordinate with the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their detailed requirements for the design of those improvements. Mr. Fiori may be reached at (302) 760-2260.

At the meeting, it was noted that the Town's Planning Commission wants very much for this development to have a second access point, directly from Route 9, to provide for emergency access and reduce the amount of traffic using Burton Street. DelDOT is willing to discuss this matter. The Town may contact the DelDOT Subdivision Engineer, Mr. Drew Boyce in this regard. Mr. Boyce may be reached at (302) 760-2266.

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

Soils

According to the soil survey update, Pepperbox-Rosedale complex and Hurlock were mapped in the immediate vicinity of the proposed construction. Pepperbox-Rosedale complex is a moderately well to well-drained soil that, generally, has moderate to few limitations for development. Hurlock is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

Although most of the soils on subject parcel are fairly well drained, they have limitations associated with rapidly permeable sandy surface and subsurface horizons. Such soils are conducive to nutrient leaching via groundwater or surface runoff into the surrounding watershed. In soils containing shallow water tables or found in close proximity to waterbodies, these impacts are greatly intensified.

Wetlands

According to SWMP mapping, no wetlands were mapped on subject site. However, the soil mapping update shows wetland associated (hydric) soils were mapped on the southernmost portion of this parcel. **In order to resolve this mapping discrepancy, a wetlands delineation is highly recommended. Further, the applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses. In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation.**

Further, it is 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.

ERES Waters

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the

maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a "nutrient-runoff-mitigation strategy" for reducing nutrients in the Inland Bays Watershed, reduction of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals will fall under the auspices of Section 11.5 of the State of Delaware's Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion of the watershed, and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion of the watershed, and requires a reduction of nitrogen and phosphorus by 40 percent. **This project is proposed within the high nutrient reduction zone.**

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones in the Department's Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget. He can be reached as 739-4590.

Water Supply

The applicant has indicated that the project will be provided public water service by the Town of Georgetown. The Town of Georgetown currently holds a certificate of public convenience and necessity number 91-CPCN-02 to provide public water service to the area.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Stormwater management is an integral part of the site development infrastructure. The planning and design for stormwater management should begin early. The applicant is encouraged to contact the Sussex Conservation District as soon in the planning process as possible in order to receive their preliminary comments. Contact Jessica Watson at (302) 856-7219.

Revegetation

It is requested that no invasive species be used in the revegetation of disturbed areas. A list of species considered invasive in Delaware can be found on the DNHP web site, <www.dnrec.state.de.us/fw/invasive.htm>. It is recommended that you use native plants and the DNREC botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

Nuisance Species

It is recommended that measures to deter nuisance geese be incorporated into the design of stormwater management ponds. It will be difficult to deter geese attracted to the large ponds in the plan, and reducing their size should be considered if feasible. Canada geese and mute swans are attracted by these types of water bodies and can become a nuisance to community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel

as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number or size of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Underground Storage Tanks

There are four inactive and five active LUST sites located near the proposed project:

Estate of William Ques, Facility # 5-000719, Project # S9211257

Shore Stop # 259, Facility # 5-000309, Project # S9601009

Peninsula Oil, Facility # 5-000126, Project # S9208211

High's Dairy Store, Facility # 5-000583, Project # S0006080

Sharp Property, Facility # 5-000903, Project # S9909179

Shore Stop # 259, Facility # 5-000309, Project # S8810056

Delmarva Oil, Facility # 5-000292, Project # S9409213

High's Dairy Store, Facility # 5-000583, Project # S0007093

Danny Bastianelli, Facility # 5-000201, Project # S8611068

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be needed to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

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):

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 Burton Street 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. Please contact Duane Fox at 302-856-5298 for more information.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Malak Michael

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Delaware State Housing Authority – Contact Karen Horton 739-4263

DSHA supports this proposal because most of the units will be targeted for first-time homebuyers. The provision of these units will help address the need for affordable homeownership that was identified in the 2003 Statewide Housing Needs Assessment.

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: Town of Georgetown