



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 15, 2004

Mr. Gary A. Moore
River Basin Engineering, Inc.
724 Yorklyn Road, Ste. 300
Hockessin, DE 19707

RE: PLUS review – PLUS 2004-06-17; The Village of Isaac's Glen

Dear Mr. Moore:

Thank you for meeting with State agency planners on June 30, 2004 to discuss the proposed plans for the Village at Isaac's Glen project to be located on 842 acres along Isaac's Rod and Cedar Creek Road.

According to the information received, you are seeking a rezoning from AR-1 to MR/RPC for the purpose of developing a mixed-use development consisting of 1,104 single-family homes, 95 townshouses or condominiums, 261 assisted living dwellings, a golf course and a small shopping center.

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 Sussex 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: Ann Marie Townshend 302-739-3090

The Office of State Planning Coordination does not support this project. The proposal is inconsistent with the *Strategies for State Policies and Spending*, the Sussex County Comprehensive Plan, and the overall goals of Livable Delaware. According to the 2004

draft *Strategies for State Policies and Spending* (endorsed by the Cabinet Committee on State Planning Issues and awaiting final approval by Governor Minner), this project is proposed for a “Investment Level 4” area. In Investment Level 4 areas, the State’s policies support preservation of agricultural and natural resources. It is also located in the low density area of the Sussex County Comprehensive Plan. According to Table 12 of the County’s plan, MR zoning is not appropriate in the low density area.

In addition to the concerns stated above, the Office of State Planning Coordination has significant concerns about this project moving forward.

1. The State has made a significant investment in preserving agricultural land in this area. A proposal of this magnitude will likely cause additional development pressure on other agricultural land in this area, diminishing the investment made by the State to maintain the viability of agriculture in this area. The Department of Agriculture’s comments further address this issue.
2. The proposal is vastly out of character with the surrounding land uses.
3. The proposal would essentially create a new town in the area without the governance structure needed to govern and manage a town of this magnitude. Homeowners associations are not equipped to govern in the way that municipal governments are. We are concerned about the demand that this project would create for services such as schools, libraries, trash removal, police, fire, and other emergency services. Once the residents move into this area, they will likely demand services closer to home than the State or County plan to provide. This could cause a strain on both State and County resources.
4. We are particularly concerned about the public safety implications of this project. This is a large remote project that will have no municipal police service. It is also remote from the fire company and other emergency services.

At the PLUS meeting, it was implied that there are essentially two choices: well-designed sprawl or cookie-cutter sprawl. We would suggest that there are other options if this land is to be developed. The developer expressed the desire to create a “rural village.” We would note that a true rural village could be developed that would include significantly fewer homes and significantly more preserved land.

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

The State Historic Preservation Office does not favor this development for several reasons. First, according to the State Strategies Map, this development is in the Rural area. Second, there are older agricultural complexes adjacent to and near the subject property. If this development occurs, it will diminish the agricultural and rural contexts of these properties and lessen their historic significance and integrity. Lastly, there is a high

probability for archaeological sites in and near the wooded areas, streams, and pond on the subject property. If the proposed project goes forth, the SHPO requests that the development stay out of the wooded areas and away from the streams and pond so that any archaeological sites will remain unharmed.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Because the development is proposed for a Rural Area, it is inconsistent with the Strategies for State Policies and Spending. Therefore DelDOT will not participate in the cost of any road improvements needed to support this development. The comments that follow are technical, and are not intended to suggest that DelDOT supports this development proposal.

A traffic impact study for this project was received by DelDOT on February 20, 2004. DelDOT expects to comment to Sussex County in November regarding this study.

On the plan submitted with the PLUS form, there were more cul-de-sacs proposed than appeared to be necessary. DelDOT would have recommended that the street system be redesigned to eliminate some of the cul-de-sacs and improve traffic circulation. The plan presented at the PLUS meeting addressed this issue.

DelDOT sees opportunities for stub streets, both north and south of Warren Farm Road to connect this project to the lands just west of it. Because the development is proposed for a Rural Area, DelDOT will suggest that those lands not be developed either. However, they recommend that the stub streets be provided in case the lands are proposed for development.

The applicant's engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding our requirements with regard to the design of the site entrances. Mr. Fiori may be reached at (302) 760-2260.

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

Soils

According to the Sussex County soil survey, Evesboro, Rumford, Sassafras, and Johnston were mapped in the immediate vicinity of the proposed construction. Evesboro is an excessively well-drained upland soil that has moderate limitations for development on account of its rapid permeability. Rumford and Sassafras are well-drained upland soils that have few limitations for development. Johnston is a poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

Wetlands

The proposed development is bordered by the North Prong, Sowbridge Branch and Reynolds Pond and is within the headwater area of the North Prong. State wetland maps (SWMP) indicate the presence of Palustrine and emergent wetlands bordering these waterbodies.

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. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.

Site plans submitted through the PLUS process indicate that wetlands, as mapped by SWMP, will be impacted by development activities. **Impacts to wetlands and other waterbodies should be minimized.** Streets and lots should be laid out so as to not cross or intersect wetland areas or forested areas. DNREC recommends that vegetated buffers of no less than 100' be employed around wetlands and waterbodies; given that this site is within the headwaters of North Prong and within a mapped State Resource area, these buffers should be maximized. To minimize potential homeowner activities within wetlands, no lot lines should contain wetlands, their buffers or other resources of conservation concern.

Impacts to 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.

TMDLS

Although Total Maximum Daily Loads (TMDLs) as a "pollution runoff mitigation strategy" to reduce nutrient loading have not yet been developed for the Delaware Bay watershed and associated tributaries within the vicinity of the proposed project to date, work is currently progressing on their development and they should be available in the near future.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATS) and/or best management practices (BMPs) as "methodological mitigative strategies" to reduce degradative impacts associated with development.

Water Supply

The information provided indicates that the Tidewater Utilities will provide water to the proposed projects through a central public water system. Our files reflect that Tidewater

Utilities does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

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.

Stormwater Management

Review and approval of the sediment and stormwater plan for this project will be handled by Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 to schedule a pre-application meeting as soon as possible.

The Delaware Sediment and Stormwater Regulations require that no more than 20 acres of a site be disturbed at any one time. This is often presents problems when golf courses are proposed. The developer should contact Sussex Conservation District (SCD) as soon as possible to discuss a phasing schedule that is satisfactory to both the developer and SCD.

The preferred methods of stormwater management are those methods that promote recharge of stormwater such as open swales, bioretention, and infiltration. When ponds are used as stormwater management features, they must incorporate all the safety features that we require and recommend such as ten foot wide safety benches and 3'-4' depth. This includes ponds located on the golf course that serve some stormwater function for the remainder of the site.

The golf course will be required to develop and follow a nutrient management plan as required by the Nutrient Management Law. This plan may be used to fulfill the stormwater quality management requirement for the golf course area.

It is suggested that you contact Drainage Section for technical assistance regarding the design of the river that is proposed in the town center portion of the project.

The dam at Reynolds Pond is currently listed on the State Dam Inventory as a low hazard dam and therefore would not be regulated by the pending state Dam Safety Law.

However, the proposed development downstream of the dam could change the dam's classification and make it a regulated dam. It is suggested that you contact David Twing, Division Engineer, DNREC Division of Soil & Water Conservation (739-4411) to discuss issues related to development downstream of the dam in light of the pending Dam Safety Law.

Habitat

A review of our database indicates that the following species and/or communities at or adjacent to the project site:

Scientific Name	Common Name	Taxon	State Rank	State Status	Global Rank	Federal Status
<i>Sciurus niger cinereus</i>	Delmarva Fox Squirrel	Mammal	S1	E	G5T3	LE
<i>Helonias bullata</i>	Swamp Pink	Plant	S2		G3	LT
<i>Enneacanthus chaetodon</i>	Blackbanded Sunfish	Fish	S2		G4	
<i>Potamogeton pusillus</i>	Slender Pondweed	Plant	S1		G5	
<i>Lycopus amplexans</i>	Sessil-Leaved Bugleweed	Plant	S2		G5	
<i>Schoenoplectus subterminalis</i>	Water Bulrush	Plant	S2		G4G5	
<i>Rhynchospora scirpoides</i>	Long-Beaked Bald-Rush	Plant	S2		G4	
<i>Xyris smalliana</i>	Small's Yellow-Eyed-Grass	Plant	S2		G4	
<i>Drosera rotundifolia</i>	Roundleaf Sundew	Plant	S2		G5	
<i>Sagittaria engelmanniana</i>	Engelmann's Arrowhead	Plant	S2		G5	
<i>Juncus pelocarpus</i>	Brown-Fruited Rush	Plant	S2		G5	
<i>Rhynchospora alba</i>	White Beak-Rush	Plant	S2		G5	
<i>Eriocaulon parkeri</i>	Parker's Pipewort	Plant	S2		G3	
<i>Eriocaulon aquaticum</i>	Seven-Angled Pipewort	Plant	S2		G5	

State Rank: S1 - extremely rare within the state (typically 5 or fewer occurrences); S2 - very rare within the state (6 to 20 occurrences); B - Breeding; N - Nonbreeding; **State Status:** E – endangered, i.e. designated by the Delaware Division of Fish and Wildlife as seriously threatened with extinction in the state; **Global Rank:** G1 - imperiled globally because of extreme rarity (5 or fewer occurrences worldwide); G2 - imperiled globally because of great rarity (6 to 20 occurrences); G3 - either very rare and local throughout its range (21 to 100 occurrences) or found only locally in a restricted range; G4 - apparently secure globally but uncommon in parts of its range; G5 - secure on a global basis but may be uncommon locally; T_ - variety or subspecies rank; Q – questionable taxonomy; **Federal Status:** LE – endangered, i.e. designated by the U.S. Fish and Wildlife Service as being in danger of extinction throughout its range; LT – threatened, i.e. designated by USFWS as being likely to become endangered in the foreseeable future throughout all or a significant portion of its range; PS – proposed status.

The proposed project lies within five miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Prime Hook National Wildlife Refuge. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The proposed project area contains potential habitat for Delmarva fox squirrels and the following is required prior to beginning work:

1. Completely avoid all direct and indirect impacts to the habitat, in consultation with the U.S. Fish and Wildlife Service and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program;

OR

2. Have surveys conducted to determine if Delmarva fox squirrels are present. In accordance with Delaware's fox squirrel site survey procedures, surveys must be conducted by a State approved fox squirrel surveyor two times between September and May: once in the fall, and again between March 15 and May 30. A list of qualified surveyors is available upon request. Please note that surveys may confirm the presence of fox squirrels but cannot confirm absence.

Swamp pink is a federally listed plant that occurs within the forested wetland along North Prong on the northern border of the project and in wetlands adjacent to Reynolds Pond. This species typically occurs in Atlantic white cedar and maple/gum swamps in the Coastal Plain and appears to be very sensitive to sedimentation. Appropriate erosion and sediment control measures should be taken during construction activities to minimize impact to this species.

The remaining plant species listed in the table above are found within the Reynolds Pond system and could be detrimentally affected by eutrophication and sedimentation resulting from changes in drainage patterns. Blackbanded sunfish (*Enneacanthus chaetodon*), a state rare species, favors heavily vegetated areas on sand or mud bottoms. In order to maintain quality habitat for these species we recommend maintaining or creating a buffer of at least 100ft (preferably 300ft) along Reynolds Pond and Sowbridge Branch. This should include maintaining those trees that are already present and planting native vegetation and/or trees. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

DNREC strongly encourages the landowner(s) to consider preservation of the forest on the northern border of the project. Forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. In addition, forests provide habitat for many species of plants and animals. Forest fragmentation resulting from development separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest dwelling species, particularly songbirds, vulnerable to predation. We would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through our agency. Please contact our office if the landowner(s) is interested in more information.

It is also 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>. We further recommend the use of native

plants and our botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

DNREC would like the opportunity to survey the forested and wetland resources at the project site. Please contact DNHESP staff at (302) 653-2880 to set up a site visit.

State Resource Area

The southern portion of this parcel is within a mapped State Resource Area; an area that is of special conservation concern to the State. Consideration should be given to protecting these resources during design and construction of this project. Large forest blocks such as those on-site provide habitat for other wildlife and provide important water quality benefits. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. There are numerous opportunities on this site to improve the extent and function of forested buffers, particularly near Reynolds Pond.

Open Space

Any lands set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection mechanism. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

To the extent possible, the developer is encouraged to locate community open space adjacent to lands set aside for conservation. This achieves two things: It allows all community members access to and views of forested areas and it provides opportunities for additional buffering.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvement, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Recreation

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

We discourage building trails or other recreational facilities adjacent to storm water basins where standing water and the potential flash flooding exist. Storm water infrastructure and active recreation facilities are not compatible.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Eastern Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

Golf courses are a low priority in Eastern Sussex County. The trails on the golf course are limited to golfers and are unsafe for other trail users.

High Priorities are walking or jogging paths, bike paths, and fishing areas.

Moderate Priorities are picnic areas, skate facilities, canoe/kayak access, hiking trails, swimming pools, playgrounds, soccer fields, tennis courts, power boat access, and baseballs/softball fields.

Underground Storage Tanks

There are no LUST sites located near the proposed project. 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 need 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: Duane Fox 856-5298

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:**
 - Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)

- 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. (Assembly)
- 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. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or 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

c. **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 Cedar Creek Road 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.

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

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

e. **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 buildings are 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

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

DDA is opposed to this rezoning request. The proposed development does not comport with the area’s current character, the state Spending Policies Map, the Sussex county Comprehensive Plan or the Town of Milton’s Comprehensive Plan. There is insufficient infrastructure to support a development of this size. In addition, there is a tremendous amount of agricultural preservation activity in this area. The preservation activity demonstrates the neighborhood’s strong agricultural and preservation ethic and preference. The state Agricultural Preservation Program has spent millions of dollars purchasing permanent agricultural easements to several neighboring farms. Those landowners have sacrificed millions of dollars in equity to preserve their land.

If development plans for these parcels move forward, then the developer and owner should be aware of both the 300 foot notification zone and the 50 foot setback requirements.

If a proposed new subdivision borders or is near an agricultural preservation district, then the owner of the preservation district is entitled to the following use protections, quoted from the Delaware Code: (and mirrored in Sussex County ordinances)

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

“This property is located in the vicinity of an established Agricultural Preservation District 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.”

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees. (*68 Del. Laws, c. 118, § 2.*)

The Project is not currently within a certificated area; however the application notes Tidewater. There is currently no CPCN application pending for this area. Kevin Nielson or Andrea Maucher at (302) 739-4247.

Recent legislation placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, the service provider will need to apply to become a regulated entity (if not already), as well as apply for a CPCN to provide sewer services.

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

Delaware Emergency Management Agency – Contact: Kevin Kille 659-3362

Significant impact to public safety is foreseen by the implementation of this project. Developers should work closely with police, fire service, and emergency medical organizations serving Sussex County so that they are aware of this project and prepared for the additional stress could cause on existing services.

Sussex County – Contact: Richard Kautz 855-7878

Because the design of the project is still evolving, the developer should include use of measures returning water into the good/excellent aquifer recharge areas and continue to selectively use cul-de-sacs.

The requested MR zoning is inconsistent with the County Comprehensive Plan in that the Low Density Area in which this site is located only anticipates AR-1 zoning. In addition, the Plan provides for a full range of agricultural activities and protection of agricultural lands as one of the County's most valuable natural resources. The Plan seeks to prevent scattering of urban uses requiring the inefficient extension of public services.

The County Engineering Department stated that the project proposes to develop using a central community wastewater system. It is located in Sussex County's North Coastal Planning Area. The project is not in a Developing Area and Sussex County does not expect to provide sewer service in the foreseeable future. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. When Sussex County provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developer's and/or homeowners association expense. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Town of Milton – Contact: John Bushey 684-4110

At the meeting on June 30, 2004, a representative read a letter from Mayor John Bushey into the record. This letter states that the Town of Milton has the following concerns regarding this project:

1. The area being developed does not comply with the Strategies for State Policies and Spending as being in a area for growth.
2. This plan encourages sprawl developing away from a local town vise being located near or within the growth area of a town or municipality.
3. The area does not comply with Sussex County's Comprehensive Plan for growth areas.
4. The area is not within the Town of Milton future growth area.
5. The area does not comply with the goals and objectives of the States Livable Delaware Plan.

Mr. Bushey further stated that if this development is approved by the County, it makes the Counties comprehensive plan null and void and it would be hard for the State or the County to stress the importance of a comprehensive plan to towns and municipalities.

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: Sussex County
Town of Milton