



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 23, 2004

Mr. Paul Westhelle
18072 Davidson Drive
Milton, DE 19968

RE: PLUS review – PLUS 2004-07-02; Nassau Gardens

Dear Mr. Westhelle:

Thank you for meeting with State agency planners on August 4, 2004 to discuss the proposed plans for the Nassau Gardens project to be located on the south side of SCR 266.

According to the information received, you are seeking site plan approval for 14 multi-family units on 1.24 acres. It should be noted that this property is currently zoned C-1 and the proposed development could be done under this zoning.

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 739-3090

According to the 2004 draft update of the Strategies for State Policies and Spending, this project is located in an “Investment Level 3” area. The Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is currently awaiting final approval by Governor Minner. In Investment Level 3 areas, State policies encourage longer term, well-planned growth that is sensitive to its natural and/or agricultural contexts.

In this area, we note that there is scattered low density development, but that the area is under increasing development pressure. We encourage you to look for opportunities to connect to adjacent properties so that future development will fit together more cohesively. We also encourage you to reassess the site's design, as discussed in the comments made by Richard Kautz of the Sussex County Planning and Zoning Department.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT presently has a project under development to improve New Road from Nassau to Pilottown Road (Sussex Road 267). As stated in their Capital Transportation Program, the purpose of the project is to provide shoulders for safe bicycling. However, the exact cross-section to which we would widen the road, and the relationship between that cross-section and the existing road, have not been determined. It is recommended that the developer contact the manager for that project, Mr. Mark Harbeson, for more information. Close coordination will be necessary to assure that the design for their project will be consistent with DelDOT's. Of particular concern is the proposed stormwater management area near the road. If DelDOT were to widen the road primarily on the east side, that area could be affected. Mr. Harbeson may be reached at (302) 760-2346.

It is also recommended that a sidewalk be provided from the proposed building to New Road to encourage walking if the proposed cross-section for New Road includes sidewalk or a multi-purpose path.

The developer's site engineer should continue to coordinate with the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrance. 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 recent soil survey update, the soils in the vicinity of the proposed construction are mapped as Evesboro, Greenwich, Downer, Fort Mott, and Ingleside.

The following is a summary of mapped soils found within the proposed construction area and are grouped on the basis of drainage class:

- Excessively well drained - Evesboro
- Well drained – Greenwich, Downer, Fort Mott
- Somewhat well drained - Ingleside

The soils found on this site also contain mostly sandy surface and subsurface horizons. Sandy soils have rapid permeabilities and little or no phosphorus/nitrogen adsorption capacity, compared to finer-texture soils. Therefore, such soils are conducive to nutrient leaching via groundwater or surface runoff into receiving tributaries of the watershed; these impacts are intensified in those soils containing shallow water tables.

TMDLs

Although Total Maximum Daily Loads (TMDLs) or a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for the Delaware Bay watershed and its associated tributaries to date, work is currently progressing on their development and they should be available in the near future (December 2005).

It should be recognized that most waters of said watershed suffer from severe water quality impairments due to persistent runoff from agricultural operations, and unrelenting residential/commercial development pressures. Therefore, 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 the degradative impacts associated with development and related activities.

Water Supply

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

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact Sussex Conservation District to schedule a preapplication meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption. Discharges to DelDOT rights-of-way will require the approval of DelDOT.

The minimum parking required should be provided for the site to limit the amount of impervious surfaces on the site.

A Certified Construction Reviewer (CCR) will be required for the site during construction. You should contact Sussex Conservation District for details regarding the CCR requirement.

Revegetation

For this project, 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>. We further recommend the use of 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

Ponds within the project area will likely attract waterfowl like resident Canada geese and mute swans that will create a nuisance for 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. The ponds 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 the proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recreation

If it is possible within the context of the road improvements that DelDOT is planning, DNREC recommends that a sidewalk be built fronting New Road. 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.

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 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.

Site Investigation and Restoration

The Department of Natural Resources and Environmental Control- Site Investigation and Restoration Branch (DNREC) has searched its database and has found that there are no Superfund sites within a one mile radius that have had a confirmed or suspected release of a hazardous substance that warranted an investigation or cleanup by SIRB. If during construction activities, hazardous substances are encountered the applicant is required to report such findings pursuant to Title 7, Delaware Code, Section 6028, to DNREC at (302) 395-2600.

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:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

- Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, 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 New 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 building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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

Per relevant County codes, 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.

Delaware State Housing Authority – Contact: Karen Horton 739-4263

DSHA supports this proposal because the applicant is proposing a mix of both rental and owner-occupied units and the site is in close proximity to services and markets. While the prices of the units are not known at this time, it is encouraged that some of the units be set aside for low- and moderate-income households.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that Tidewater Utilities will provide water to the proposed projects through a central public water system; however, this parcel is not within a certificated area and no application is pending. If public water is proposed, the utility will need to apply to the Commission for a certificate of public convenience and necessity (CPCN) to provide public water in these areas. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact Malak Michael for further information.

Recent legislation (Senate Bill 99) 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, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

Delaware Emergency Management Agency - Contact Don Knox 659-3362

While no significant impact to public safety is foreseen by the implementation of this development, the developer should notify the police, fire service and emergency medical response organizations serving this part of Sussex County to keep them apprised of all development activities.

Sussex County – Contact Richard Kautz 855-7878

The developer should revisit the building orientation. Fronting on New Road (Rt 266) with a drive to west side would make a more attractive presentation to passersby and could help address State agency comments. There appears to be as much as 40 feet for the driveway.

The Sussex County Engineering Department stated: “The project proposes to develop a 3-story, 14-unit multifamily building on two existing parcels of approximately .6 acres each. One parcel is improved with a single-family dwelling and one is vacant. The proposed project is within the West Rehoboth Expansion area for central sewer and connection to the system is mandatory. The project exceeds planning study and system design assumptions of 1.0 equivalent dwelling unit per parcel for parcels less than 1 acre and upgrades are needed to provide capacity for the proposed density. There is adequate capacity in the downstream system except for approximately 752 feet of 10-inch gravity collector line along County Roads 266 and 266B. That gravity line and associated manholes will require reconstruction before the proposed project is permitted to connect. The developer will be required to participate in the reconstruction. Please contact the Sussex County Engineering Department to establish a meeting to discuss the scope of work. In addition, the proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures. Also, the existing 6-inch laterals are not adequate to serve the project and installation of an 8" lateral will be required from the 10-inch main in New Road. Installation of the new lateral will be at the developer's expense. The connection point must be approved by the Sussex County Engineering Department. Approval is based on a density not to exceed 12.0 dwelling units per acre. Onetime System Connection Charges will apply. Please contact Mrs. Christine Fletcher at 302 854-5086 for additional information on charges. A disconnection permit including Sussex County onsite inspection and payment of System Connection Charges is required prior to issuance of a building permit. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.”

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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,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director

CC: Richard Kautz, Sussex County