



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 23, 2004

Jessica Nichols
Meridian Architects & Engineers
26412 Broadkill Road
Milton, DE 19968

RE: PLUS review – PLUS 2004-07-05; The Seasons

Dear Ms. Nichols:

Thank you for meeting with State agency planners on August 4, 2004 to discuss the proposed plans for the Seasons project to be located on County Road 273 in Sussex County.

According to the information received, you are seeking a rezoning from AR-1 to HR-RPC for the purpose of replacing a 320 unit campground with 150 multifamily units and 8 single family homes on 26.76 acres. It is noted that there is currently a conditional use approval on the property to allow the campground.

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 draft 2004 update of the Strategies for State Policies and Spending, this project is located in “Investment Levels 2 and 3” areas. The Strategies document has been endorsed by the Cabinet Committee on State Planning Issues and is currently

awaiting approval by Governor Minner. In Investment Level 2 areas, the State policies encourage well-planned, well-designed growth that fits well within the character of the existing community. In Investment Level 3 areas, State policies encourage longer term, well-planned growth that is sensitive to its natural and/or agricultural contexts. On this site, the Investment Level 3 is indicative of the site's adjacency to Johnson Branch and the associated riparian buffer and wetland.

This site is also located within Sussex County's Environmentally Sensitive Development District. According to Table 12 of the Sussex County Comprehensive Plan, HR zoning is not appropriate in the Environmentally Sensitive Development District. Rather, the low to medium density residential zones, such as AR-1, MR, and GR, would be more consistent with the plan.

Based on the comments shared at the meeting on August 4, specifically by the Sediment and Stormwater Program, we encourage you to redesign the site to provide a more adequate buffer of Johnson Branch and to employ green technologies for stormwater quality management. In redesigning the site, we encourage you to use the principles described in the publication *Better Models for Development in Delaware*.

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

There is an archaeological site located east of the subject property. This site is listed in the National Register of Historic Places and is associated with early European settlements. There is a high probability for archaeological sites within the subject property (the property where the development is proposed). One of SHPOs archaeologists drove by the campsite and stated that because the ground has not been greatly disturbed by the current campsite facilities, there is a high probability for archaeological sites to exist on this property. SHPO would very much like for our archaeologists to have permission to visit the subject property to walk the grounds and provide their expertise on the probability for archaeological sites and discuss ways on how best to minimize any impact to the archaeological sites.

SHPO has also requested that the development (specifically the townhouses) be pulled farther back from the Johnson Branch. In addition, during the meeting the developers stated that there was once a borrow pit located on the subject property. The historic maps do not show any past borrow pit. Can you please provide SHPO office with information concerning the borrow pit? Please contact Anne McCleave at 302-739-5685 to schedule a date and time the archaeologists could meet the developers or owners at the site.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

In a letter dated September 15, 2003, DeIDOT commented to Sussex County that they did not recommend that a traffic impact study be required for the proposed rezoning. A copy of that letter is available, but they did not elaborate on their position. To do so now, the proposed use would not meet DeIDOTs average daily traffic warrants for a traffic

impact study (2,100 trips per day for a residential development) and would not result in a significant increase in traffic over what the existing campground generates (See table below.). In the trip generation table below, ITE refers to a standard reference, the Institute of Transportation Engineers' Trip Generation report.

	AM Peak Hour of Site	PM Peak Hour of Site	Saturday Peak Hour
302-Unit Campground Estimated per ITE	66	124	Not Available
302-Unit Campground Count Presented by Developer's Engineer	44	123	126
8 Single-Family Detached Houses Estimated per ITE	18	12	18
150 Condominiums Estimated per ITE	72	89	86
Total Estimated per ITE	90	101	104

DelDOT agrees with other State agencies on the desirability of sidewalks and bicycle and pedestrian trails in the locations that were indicated at the meeting.

DART First State currently serves "Three Seasons Campground" with the Route 201 bus during the resort season, providing approximately 1,900 trips per week to/from the Campgrounds for the 2004 resort season; and approximately 13,000 trips total to date for the 2004 resort season. Transit service successfully serves the campground market and helps to mitigate traffic during the resort season. With the proposed redevelopment of the campground into a year-round mixed-use residential development, the trip purpose, market and transit supportive demographics inevitably will change. DART will consider continuing Route 201 service to the development. However, they will work closely with the developer and community to reassess the feasibility of providing service to this community (ridership support, transit supportive infrastructure support). DART requests the developer to maintain the turnaround infrastructure that currently exists if transit is to serve the community. Additionally, they highly encourage the developer to provide sidewalks within the development providing access to transit service and non-motorized transportation choices to residents. The developer may contact Mr. Wayne Henderson, Planner for the Sussex County resort area, at (302) 577-3278 ext. 3553 for further discussion and detail on transit service.

The developer's engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrance. While, as stated above, the change in site traffic would be small, the existing entrance may not have been built to current standards and may need to be improved. 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 Fort Mott, Ingleside, and Muck soils.

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

- Well drained –, Fort Mott
- Somewhat well drained - Ingleside
- Very poorly drained (**hydric**) – Muck

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.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of estuarine and palustrine forested wetlands on site.

Impacts to wetlands are regulated by the DNREC's Wetlands and Subaqueous Lands Section and 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.

Because there is strong evidence that federally regulated wetlands exist on site, 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 by the Corps of Engineers through the Jurisdictional Determination process.**

To find out more about permitting requirements, 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.

Impacts to wetlands should be avoided. Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife.

Vegetated buffers (forest or tall grasses) of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

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 low 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

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.

Applying practices to mimic the pre development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique. We recommend relocating the lots along Johnson Branch to provide more natural buffering along the waterway. It is possible for this site to provide a non-erosive conveyance of runoff to tidal water therefore qualifying for a waiver of stormwater quantity management. If only water quality management is required for the site, stormwater management can be accomplished using Green Technology BMPs such as bioretention, biofiltration, filter strips and infiltration and a large stormwater management basin may not be required. Eliminating the large stormwater pond will reduce construction costs and the maintenance burden on the maintenance entity, as well as reducing the possibility of the pond becoming an attraction for resident geese.

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. Since this site is already developed, if there is an existing discharge point to Johnson Branch or any adjoining waterway, that discharge point should be used to convey treated runoff rather than creating a new discharge point.

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, DNREC requests 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.

Open Space

Site plans show an area of community open space within the middle of this development. It is recommended that this area be relocated to areas adjacent to the riparian corridor of Johnson Branch. Doing so will accomplish two things: it will help preserve and give opportunities for enhancement of the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing all residents access to and views of the forest and stream.

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 improvements, 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.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

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.

It is also recommended that a bike/pedestrian connection be established on the northeast corner of the property to access Country Club Road.

Reconsideration should be given to including sidewalks along the right of way on the southeast access road.

Further it is recommended that the proposed recreation facilities be moved to a more accessible location.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project are estimated to be 12.1 tons (24,251.4 pounds) per year of VOC (volatile organic compounds), 10.0 tons (20,078.5 pounds) per year of NO_x (nitrogen oxides), 7.4 tons (14,814.3 pounds) per year of SO₂ (sulfur dioxide), 0.7 ton (1,318.7 pounds) per year of fine particulates and 1,014.3 tons (2,028,594.6 pounds) per year of CO₂ (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 1.9 ton (3,876.8 pounds) per year of NO_x (nitrogen oxides), 6.7 tons (13,484.4 pounds) per year of SO₂ (sulfur dioxide) and 994.5 tons (1,988,941.9 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.9 tons (9,781.7 pounds) per year of VOC (volatile organic compounds), 0.5 ton (1,076.3 pounds) per year of NOx (nitrogen oxides), 0.4 ton (893.2 pounds) per year of SO2 (sulfur dioxide), 0.6 ton (1,152.6 pounds) per year of fine particulates and 19.8 tons (39,652.7 pounds) per year of CO2 (carbon dioxide)

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	12.1	10.0	7.4	0.7	1014.3
Residential	4.9	0.5	0.4	0.6	19.8
Electrical Power		1.9	6.7		994.5
TOTAL	17.0	12.4	14.5	1.3	2028.6

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

With that said this State notes that this proposed development is within the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. The State requests that the developers consider building energy efficient homes as well as including interconnectivity to surrounding developed land to promote walkability and bikeability.

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.

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 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, Apartments and Townhouses)
- 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 of 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
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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 Country Club 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)
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - 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.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state water will be provided to the project by Tidewater Utilities via a central water system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15.

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

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.

Department of Education – Contact: Nick Vacirca 739-4658

158 multi-family units could generate approximately 79 additional students for the Cape Henlopen School District. 8 Single family units could generate and estimated 4 additional students to the district.

While Sussex County does not have school concurrence legislation at this time, 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. The developer should work closely with the school district transportation supervisor.

Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Because of the number of units proposed, a significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving the City of Rehoboth Beach and Sussex County, to keep them apprised of all development activities.

You should also be advised that some portions of the development are in the 100-year flood zone and other portions are in the 500-year flood zone. This is also an area of possible flooding from a category 1 hurricane. Routes 1, 24, and 9 are coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Sussex County – Contact: Richard Kautz 855-7878

Concerning the design, the developer should add a sidewalk or walking/biking trail along the entrance road from Country Club Road (Rt 273). The active recreation area could be more centrally located for the benefit of all the residents.

The requested zoning, HR-RPC, is isolated from similar districts in that the nearest HR is more than one mile away. Furthermore, proposed land use is out of character with the neighborhood and is not consistent with the Comprehensive Plan in that the Environmentally Sensitive Development District anticipates a low to moderate use of land within the MR zoning districts (see Table 12 of the Plan). Possible solutions to the spot zoning and inconsistency issues include amending the Comprehensive Plan or changing the request to MR zoning.

The Sussex County Engineering Department stated: The project proposes to redevelop an existing campground into 150 and 8 single-family units. The project is within the West Rehoboth Expansion area for central sewer and improvements in the existing park are currently connected to the sewer system. The Sussex County Engineering Department does not support the change of zone to High Density (HR). The proposed project exceeds West Rehoboth Expansion area design and capacity assumptions for AR zoned land and will cause new line deficiencies in the downstream collector system in State Route 1 (SR-1). We cannot support making utility upgrades in the SR-1 corridor, which would negatively impact both traffic and sewer service to local businesses. We have advised the applicant that limiting the project to no more than 118 dwelling units would avoid causing new line deficiencies and the need for extensive line upgrades. A copy of our letter to the applicant is attached. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Although the application predates the requirements of the ESDA Ordinance, the applicant should address the advice of the various PLUS review agencies by looking at alternatives to the large pond and ways to minimize adverse air quality impact.

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.

PLUS – 2004-07-05 The Seasons

August 23, 2004

Page 14 of 14

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: Sussex County