



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

October 5, 2004

Mr. R.B. Kemp
Adams-Kemp Associates, Inc.
217 South Race Street
Georgetown, DE 19947

RE: PLUS 2004-09-02; Wilson/Hitchens

Dear Mr. Kemp:

Thank you for meeting with State agency planners on September 29, 2004 to discuss the proposed plans for Wilson/Hitchens project to be located at the intersections of County Road 48 and 324. According to the information received, you are seeking annexation into the Town of Georgetown and rezoning to neighborhood residential for the purpose of creating 54 single family residential lots.

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 will be the governing authority over this land if it is annexed, 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 proposal is located in an “Investment Level 2” area according to the 2004 Strategies for State Policies and Spending, with the northwest corner of the site along Zoar Road in “Investment Level 1”. We note also that the proposal is being considered for annexation by the Town of Georgetown. The Office of State Planning Coordination has commented separately to the Town of Georgetown regarding the plan of services submission for the annexation.

In Investment Level 1 and 2 areas, and in areas within municipalities served by municipal services, State policies support appropriate development activities. Generally, the State supports projects that are higher in density than what is proposed in these areas provided they are in keeping with the Town's character.

The Office of State Planning Coordination recommends re-evaluating the site plan design to incorporate some of the concepts discussed in the publication *Better Models for Development in Delaware* (copy enclosed). Specifically, including sidewalks in the project, including the transit improvements discussed in DelDOT's comments, reducing the reliance on cul-de-sacs, and providing more natural and active open space would add to the character of the design. We support the stub street that you have shown that connects to the property south of this proposal.

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

There is a high probability for prehistoric and historic archeological sites within the subject property. You should contact the State Historic Preservation Office to discuss the potential sites with an archaeologist.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT commended the developers for providing the proposed stub street to the adjacent parcel to the south.

DelDOT will require a sight distance analysis as part of the plan submission for the proposed east entrance on Sussex Pines Road.

DelDOT supported the comment from the Division of Parks and Recreation that sidewalks should be provided.

Although Bill did not mention it at the meeting, both Zoar Road and Sussex Pines Road are classified as local roads and have an existing right-of-way width of 50 feet or less. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication on both roads from this project.

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

The development of this property along Zoar Road will be served by DelDOT's proposed new DART Bus Route 214 in Sussex County, which will provide service from Georgetown to Millsboro and from Millsboro to Rehoboth. Service expansion plans and resources to operate this new bus route are in DTC's (Delaware Transit Corporation's)/DelDOT's Capital Transportation Program for Fiscal Year 2007.

Accordingly, they ask that the developer provide sidewalks within this development that are accessible and provide access to a proposed bus stop and pad along Zoar Road. Further, they ask that the developer contact DTC in the future to obtain specifications for a bus shelter and pad and then build them to those specifications. At the PLUS meeting, the developer asked about the possibility of providing a different design of bus shelter for this development. At the appropriate time, DTC will gladly meet with the developer and discuss opportunities to subsidize a context design sensitive shelter. The contact for DTC Planning is David Dooley, at (302)577-3278 ext. 3464.

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

Soils

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

Somewhat well drained to moderately well drained – Pepperbox/Rosedale complex

Moderately well drained – Hammonton

Poorly drained (**hydric**) – Hurlock & Lenni

Very poorly drained (**hydric**) – Mullica

Pepperbox-Rosedale complex is a somewhat well-drained to moderately well-drained soil of low-lying uplands that has few to moderate limitations for development. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Hurlock and Lenni are poorly-drained wetland associated (**hydric**) soils that have severe limitations for development. Mullica is a very poorly-drained wetland associated soil (**hydric**) soil that has an even greater level of severity than any of the preceding soil types.

According to Statewide Wetland Mapping Project (SWMP) maps, no wetlands were mapped on subject parcel. However, the presence of a **hydric** soil mapping unit(s) (Hurlock, Lenni, and Mullica) on more than 50 percent of subject parcel contradicts the finding of SWMP. Since soil mapping is often a more accurate predictor of wetland conditions (especially in cleared or farmed areas) than SWMP, its use is more reflective of actual conditions. **Therefore, the Department strongly recommend an Army Corps of Engineers (ACOE) approved wetlands delineation be conducted prior to proceeding beyond the initial planning stage.**

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they may be subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands.

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

It is also recommended that the developer maintain a minimum 100-foot buffer width from landward edge of all wetlands and water bodies. 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.

Should the applicant decide to construct a pond(s) on subject parcel, the Department strongly recommends that the periphery of said pond(s) (including stormwater detention pond(s)) contain a 50-foot buffer of native woody and/or herbaceous vegetation.

Vegetated buffer(s) are an important mitigative methodology that helps to remove excess nutrient runoff from overland flow while discouraging geese habitation and the problems associated with their nutrient-enriched excrement. Excessive nutrient enrichment of ponds is linked with severe outbreaks of nuisance algae and fish kills and their resultant nauseating odors. In addition to the employ of buffers as a management tool for anticipated environmental problems in pond(s), the Department believes even more strongly in the forestalling/ mitigation of future problems by urging the applicant to consider the reducing the size of individual ponds (except stormwater detention ponds), or better yet, totally eliminating them from consideration.

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 information provided indicates that the Town of Georgetown will provide water to the proposed annexation project(s) through a central public water system. DNREC files reflect that the Town of Georgetown does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. According to SB-135 that was signed on June 30, 2003 by Governor Minner, the municipality is required to give notice to the Public Service Commission when the annexation is complete. 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.

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 pre-application 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.

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.

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.

Discharge of stormwater to a tax ditch will require written approval from DNREC Drainage Section accepting the runoff and the construction of the outfall. Emergency spillways crossing a tax ditch easement must have side slopes no greater than 10:1 and should be lined with a permanent turf reinforcement matting.

Discharge of stormwater to the road-side swale will require written approval from DelDOT.

The District recommends providing reinforced silt fence along the tax ditch.

A down stream analysis of the tax ditch may be necessary to demonstrate the ability to accept additional runoff from this site.

Drainage

It is noted that the owners have discussed preliminary plans for this site. They received an explanation of the limitations of the tax ditch right-of-way (ROW). Their plan as posted in the .pdf file on the State Planning website appears to indicate the ROW conditions.

Any improvements such as sidewalks, ponds, discharge pipes, etc. within the tax ditch right-of-way must be approved by the tax ditch managers through the Drainage Section. Ponds must be offset from the tax ditch, regardless of the tax ditch right-of-way width, far enough so that maintenance of the ponds can be completed. It is recommended that the tax ditches on the site be scheduled to be cleaned out following site construction prior to building construction on lots adjoining the ditches so that the spoil material from the ditch has a location for spreading; otherwise, all material excavated from the ditch cleanout will need to be trucked off-site.

Generally, residents in subdivisions do not appreciate the look of tax ditches adjoining their properties because the ditches are deep with steep side slopes. Drainage Section and the Sediment and Stormwater Program are willing to work with the developer and designer to modify the tax ditch/es so that they can serve both a drainage and stormwater management function and be more acceptable by residents.

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.

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 Western Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project. For additional information about the outdoor recreation priorities, contact Bob Ehemann at 739-5285.

High priorities are Walking or Jogging Paths, Picnic Areas, Bike Paths and Fishing Areas.

Moderate priorities are Swimming Pools, Baseball/Softball fields, Hiking Trails, Basketball Courts, Campgrounds and Playgrounds.

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 4.1 tons (8,288.4 pounds) per year of VOC (volatile organic compounds), 3.4 tons (6,862.3 pounds) per year of NOx (nitrogen oxides), 2.5 tons (5,063.1 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (450.7 pounds) per year of fine particulates and 346.7 tons (693,317.2 pounds) per year of CO2 (carbon dioxide)

Emissions from electrical power generation associated with this project are estimated to be 0.7 tons (1,325.0 pounds) per year of NOx (nitrogen oxides), 2.3 tons (4,608.6 pounds) per year of SO2 (sulfur dioxide) and 339.9 tons (679,765.0 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 1.7 tons (3,343.1 pounds) per year of VOC (volatile organic compounds), 0.2 ton (367.8 pounds) per year of NOx (nitrogen oxides), 0.2 ton (305.3 pounds) per year of SO2 (sulfur dioxide), 0.2 ton (393.9 pounds) per year of fine particulates and 6.8 tons (13,552.2 pounds) per year of CO2 (carbon dioxide)

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	4.1	3.4	2.5	0.2	346.7
Residential	1.7	0.2	0.2	0.2	6.8
Electrical		0.7	2.3		339.9

Power					
TOTAL	5.8	4.3	5.0	0.4	693.4

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 a growth area and proposed for annexation within the Town of Georgetown. Therefore, the State would ask that you consider the development of energy efficient homes, inclusion of sidewalks, interconnectivity with the Town and surrounding areas to promote walkability and bikeability, and transit improvements.

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 856-5800

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.
 - 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 Sussex Pines Rd must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

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

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

d. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- 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.

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

While the prices of the units are not known at this time, you are encouraged to include prices that are affordable to moderate-income households. The provision of these units will help address the need for affordable homeownership that was identified in the 2003 Statewide Housing Needs Assessment.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

If not already completed, the Town of Georgetown will need to notify the Commission of the areas to which it is providing wastewater services.

Georgetown must notify the Commission when the annexation is completed so that the area can be added to Georgetown's certificated water service area.

Delaware Emergency Management Agency – Contact Don Knox 659-3362

Due to the number of single family residential units being proposed, an 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 Town of Georgetown, to keep them apprised of all development activities.

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".

Constance C. Holland, AICP
Director

CC: Town of Georgetown

Attachment: *Better Models for Development in Delaware*