



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

October 18, 2004

Mr. Kevin McBride, RLA  
Morris & Ritchie Associates, Inc.  
404 S. Bedford Street, Suite 5  
Georgetown, DE 19947

RE: PLUS review – PLUS #2004-09-11; Graves Property

Dear Mr. McBride:

Thank you for meeting with State agency planners on September 29, 2004 to discuss the proposed plans for the Graves property project to be located along the south side of Route 9, west of 5 points and Belltown on both sides of Route 23. According to the information received, you are seeking a rezoning of 88.44 acres from AR-1 to MR/RPC and B-1 for the purpose of a 262 unit residential development with 19,200 s.f. of office space and 75,000 s.f. of commercial space.

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**

The Office of State Planning Coordination notes that this proposal is located mostly within an “Investment Level 3” area according to the 2004 Strategies for State Policies and Spending, with small portions of the site in Investment Level 2 and 4 areas. According to our information, this proposal is located mostly within the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan, although we understand that Sussex County’s information may indicate otherwise. We

note that the final determination as to this project's consistency with the Sussex County Comprehensive Plan is the responsibility of Sussex County.

Investment Level 3 areas generally reflect longer-term growth areas or growth areas where environmental or agricultural issues exist on or around the site. On this site, the presence of Investment Level 4 designation indicates the western portion of the site that the State's data show as outside of the Environmentally Sensitive Developing Area, as well as the wetland and forested area in the southwest corner of the site.

The Office of State Planning Coordination is pleased to see a mixed use proposal that includes a variety of open spaces for both community use and resource protection. We are also pleased to see the developer proposing a project that includes strong bicycle and pedestrian connections within the community, with potential for expansion of these connections to neighboring properties.

We encourage you to work with DelDOT to determine how best to access the commercial portion of the site in a way that meets the needs of both and minimizes potential conflict between commercial and residential uses. Some potential measures might be using traffic calming techniques or changing the internal circulation pattern. We also encourage you to work with the Delaware State Housing Authority to coordinate this proposal with their plans for their adjacent property.

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

The proposed development will surround an existing out parcel. This out parcel is a potential historic property and it will be affected by the development. The SHPO suggests that the development retain as many trees around the out parcel to lessen the physical and visual effects. They appreciate that there will be open space directly behind the out parcel and that the developers recognize the potential for archaeological sites.

It is also suggested that the development stay out of the wooded areas on the west and southwest edges of the development, as there is a high probability for prehistoric archaeological sites in these areas.

You should also be aware of the Potential Belltown Historic District just east of the development. The historic district includes three parcels south of the electrical sub-station and which would be on the southeast corner of the proposed development. We ask that the developers consider the historic district when designing the commercial building and make sure the design is compatible with the historic district. Also, providing landscaping as buffers on the southeast corner will help diminish any visual effects on the historic district.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) As a product of the joint effort with Sussex County on the SR 1 Land Use and Transportation Study, DelDOT has proposed various improvements in the Delaware Route 1 corridor and the adjacent roadways. Those improvements include intersection improvements, pedestrian and bicycle facilities, operational and safety improvements, and new roadways. Four of those improvements are relevant to this project. First, and most immediately, DelDOT has plans to add a third southbound lane on Route 1 from Five Points to Delaware Route 24. This improvement is scheduled for construction beginning in the fall of 2005.

Second, a Park-and-Ride Lot is planned for the Five Points area. The Knapp Farm, where the Nassau Grove development is now proposed, had been considered as a possible site but is no longer under consideration. DelDOT is beginning a new study to identify possible sites.

Third, and with the potential to directly impact the Graves Property, is the Western Parkway. This road, a limited access parkway, would run parallel to and west of Route 1. While there are many possible alignments, some of them would run through part of the Graves Property.

DelDOT has begun location studies, to determine a specific alignment for this road, but that determination has not been made. DelDOT will inform the developer's engineer of the study findings as soon as they are available. That may be as early as mid-winter. If the Western Parkway study determines that this development will not be significantly impacted, DelDOT will advise the County regarding that and any possible phasing of the development.

The fourth improvement is a grade-separated interchange to replace the intersection at Five Points. Because the location of the Western Parkway will affect the design of this project, work on it has been postponed until the Western Parkway location study is complete.

- 2) It is recommended that stub streets for future interconnections be provided, from the north parcel to the land to the west, and from the south parcel to the land to the south and east.
- 3) Although it is difficult to estimate how much, the proposed street running from Beaver Dam Road to Route 9 at Nassau Commons would likely draw significant traffic through the development. While DelDOT appreciates the addition it would make to the transportation network, they recommend that driveways along the street be eliminated, either by rearranging the lots or by providing alleys to serve the lots that have no other frontage.

- 4) DelDOT has two observations regarding the proposed right-turn only access to the commercial portion of the development. First, right-turn only access on an undivided highway creates an enforcement problem and we are generally unwilling to permit it. If the developer proposes a median barrier on Route 9, DelDOT will consider it, but they would have to provide any needed right-of-way and to fund and build it as part of their entrance construction.

Second, right-turn only access for the commercial portion of the development would force traffic turning left to use streets in the residential portion of the development. The community pool and some of the community open space would be along those streets, so particular care should be taken with regard to pedestrian safety in these areas.

- 5) DelDOT will require that Beaver Dam Road be improved to meet DelDOT's minimum requirements for a Collector Road (two 12-foot lanes and two 8-foot shoulders) across the frontage of this development.
- 6) DelDOT will also require that a multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site on both Route 9 and Beaver Dam Road.
- 7) On August 17, a scoping meeting was held for a traffic impact study (TIS) for this project. Presently the total time for a TIS, from the scoping meeting to the completion of DelDOT's review, is 15 to 18 months. Much of that time is due to a backlog of studies under review at DelDOT. While DelDOT is currently reviewing their TIS process and anticipate changes to eliminate that backlog, the proposed schedule for this project, specifically approvals in the spring of 2005 and construction that fall, may be overly optimistic.
- 8) At the PLUS meeting, the developer asked whether a TIS would be required if the property were to be developed as a 176-lot by-right subdivision. DelDOT will not require a TIS in that event.
- 9) 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 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:

Well drained - Downer  
Moderately well drained – Hammonton

Downer is a well-drained upland soil that has few limitations for development. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development.

## **Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of Palustrine Forested wetlands along the western edge of the project boundary. Site plans show that there will not be direct impacts to these wetlands through construction activities; however, secondary impacts of construction could be detrimental to the health of these wetlands and their associated streams. To mitigate these impacts DNREC recommends a vegetated buffer of no less than 100' from the edge of wetlands and waterbodies. Lot lines should exclude all wetlands and buffer zones to ensure against potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

It is further 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.

## **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 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 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.

Site plans show forest impacts resulting from installation of stormwater management ponds. These ponds should be removed from forested areas and the developer should investigate the feasibility of non-structural stormwater BMPs.

### **Drainage**

A portion of this project involves the Graves Rollins Tax Ditch.

Graves Rollins Tax Ditch was formed in 1960 and is perhaps the shortest tax ditch system in the state.

Tax ditch right-of-way is 16.5 feet from top edge of bank on the south side of the tax ditch.

If you have any questions, please contact Robert Long or John Inkster at 302-856-5488.

### **Habitat**

In the interest of water quality and wildlife habitat, we recommend maintaining the forested buffer along Goslee Creek. This creek is a foraging area for Bald Eagle which nest nearby and serves as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle. Forested buffers reduce inputs 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.

### **Revegetation/Landscaping**

The Department 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](http://www.dnrec.state.de.us/fw/invasive.htm). They further recommend the use of native plants and their Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

### **Nuisance Species**

It is recommended that the number of ponds incorporated in the subdivision design be reduced. The ponds scattered throughout the subdivision 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. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall

grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the homeowners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

### **Open Space**

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**

DNREC recommends 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.

### **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 20.1 tons (40,214.3 pounds) per year of VOC (volatile organic compounds), 16.6 tons (33,294.7 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 12.3 tons (24,565.4 pounds) per year of SO<sub>2</sub> (sulfur dioxide), 1.1 ton (2,186.7 pounds) per year of fine particulates and 1,681.9 tons (3,363,872.1 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 3.2 tons (6,428.5 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 11.2 tons (22,360.1 pounds) per year of SO<sub>2</sub> (sulfur dioxide) and 1,649.1 tons (3,298,118.9 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 8.1 tons (16,220.2 pounds) per year of VOC (volatile organic compounds), 0.9 ton (1,784.7 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 0.7 ton (1,481.1 pounds) per year of SO<sub>2</sub> (sulfur dioxide), 1.0 ton (1,911.2 pounds) per year of fine particulates and 32.9 tons (65,753.2 pounds) per year of CO<sub>2</sub> (carbon dioxide).

	VOC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	20.1	16.6	12.3	1.1	1681.9
Residential	8.1	0.9	0.7	1.0	32.9
Electrical Power		3.2	11.2		1649.1
<b>TOTAL</b>	<b>28.2</b>	<b>20.7</b>	<b>24.2</b>	<b>2.1</b>	<b>3363.9</b>

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.

The proposal to build a mixed use community with recreational amenities and bicycle/pedestrian facilities, as well as the planting and retention of trees will help to mitigate some of these air quality impacts.

### **Underground Storage Tanks**

There is one inactive LUST sites located near the proposed project:

Best Store, Inc., Facility # 5-000710, Project # S 9212279

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be 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 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 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
- 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 Lewes Georgetown Hwy 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](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**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. PSC 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. Contact: Malak Michael at (302) 739-4247.

**Department of Agriculture – Contact: Mark Davis 739-4811**

If this site is to be developed, then DDA recommends a modified deed notice in all

subdivided parcels within in the new subdivision as noted below:

“Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Areas (Investment Level Four Areas). New residents should expect normal agricultural uses and activities which generate noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, and farm related road traffic.”

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

This proposal is to rezone 88 acres, along the south side of Route 9 near Five Points, Lewes, in order to develop a residential planned community consisting of 262 residential units and commercial uses. The applicant noted that some of the homeownership units would be targeted for first-time homebuyers. The DSHA supports this proposal because the 2003 Statewide Housing Needs Assessment indicates that much of the housing in the coastal resort area is outside the affordability level of low- and moderate-income households. This proposal would provide much needed housing opportunities for those that work in nearby service and retail establishments.

In addition, the inclusion of homes for first-time homebuyers would also be more consistent with the plans for a 20-acre parcel, owned by DSHA, adjacent to the south and east of this parcel. The developers have expressed interest in working with DSHA on a collaborative effort to develop both of the properties in a mutually beneficial manner. DSHA is currently discussing possibilities for collaboration in-house and looks forward to meeting with the developer to discuss some ideas in more detail.

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

Due to the large number of residential units and commercial uses being 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 this portion of Sussex County, to keep them apprised of all development activities. Routes 1 and 9 are both storm evacuation routes and this development could add considerable traffic volume to these routes during a coastal storm event.

**Sussex County – Contact: Richard Kautz 855-7878**

Being in the Environmentally Sensitive Developing Area, an Environmental Assessment and Public Facility Evaluation Report should be prepared. The report needs to address the PLUS comments.

Concerning site design, where is the B-1 area and how will the boundary be defined? Will it be subdivided? The screening should be continued along lots 178, 179, and 180.

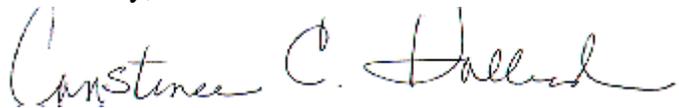
The Sussex County Engineering Department states: The proposed project is outside of the West Rehoboth Expansion area and cannot receive sewer service from a County operated system at this time. Capacity for the parcel was not provided in the design of the West Rehoboth Expansion system. No sewer capacity is available in the Route 9 gravity sewer interceptor and there are additional limitations in the pipelines in the Route One corridor. We recommend that the project include an on-site system, with design of the internal system to meet Sussex County Standard Specifications.

The property is located in the North Coastal Planning Area. The County will be looking at ways to provide sewer service to the area south of Five Points. It has not been determined how or when service may be provided. If the property owners wish to pursue central sanitary sewer service for the project, they may participate as a "Priority Project" in the North Coastal Area Planning Study. This would permit us to determine options in the shortest timeframe. Preliminary options for central sewer to priority projects could be available as early as December 2005. Projects not requesting Priority Project status will not receive responses until after the North Coastal Planning study is complete, which could be an additional six months or more. It is unclear at this time whether there will be an additional cost to being considered as a Priority Project, or what that cost may be.

**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: Sussex County