



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

November 16, 2004

Ms. Julie Kirkpatrick
Morris & Ritchie Associates, Inc.
18 Boulden Circle, Ste. 36
Wilmington, De 19720

RE: PLUS review – PLUS 2004-10-02; Tallman Property, a/k/a Sunset Village

Dear Ms. Kirkpatrick:

Thank you for meeting with State agency planners on October 27, 2004 to discuss the proposed plans for the Tallman property to be located on Tallman Drive, off U.S. Route 13-A near Derby Circle. It should be noted that this property is proposed to be annexed in to the Town of Camden.

According to the information received, you are seeking site plan approval for 240 age-restricted residential units on 28.943 acres.

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 Camden is the governing authority over this land, 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: David Edgell 302-739-3090

This project is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. This site is also located in the Town of Camden. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the proposed development of this project in accordance with the Town

codes and ordinances once the Camden Comprehensive Plan Amendment reviewed in July 2004 has been reviewed and certified by our office.

Regarding the design, we note that this proposal is adjacent to a proposed mixed use development known as “The Cooper Property”. In accordance with the DeIDOT recommendations found below, we strongly encourage a street, pedestrian, and bicycle connection between the two properties. The active adult residents of this proposal are likely to be patrons of and benefit from the commercial, office, and employment amenities proposed on the Cooper Property. This area of Camden should be planned as an extension of the town rather than as individual, stand alone properties.

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

There is a known archaeological site within the subject parcel. It is suggested that the applicant/developer contact Anne McCleave at 302-739-5685 to schedule a time and meet with archaeologists in our office to discuss this site and the probability for other sites within the area, which is high. Any development on this parcel would adversely affect archaeological sites. The application indicates that federal permits will be needed. Please be aware that the federal agency must comply with Section 106 of the National Historic Preservation Act (36 CFR 800) and consider any historic resources that may be affected by their project.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) It is recommended that a street connection be provided between the subject development and the mixed-use development proposed on the Cooper Property to the north.
- 2) It is also recommended that the developer contact the Dover Baptist Temple and discuss the possibility of a bicycle and pedestrian connection to their property for the benefit of residents who might want to worship there.
- 3) The DeIDOT Subdivision Engineer, Mr. Drew Boyce, has discussed the proposed entrance with the developer’s engineer and the proposed design includes exceptions to their standards to which he has already agreed. He was unaware, however, that the proposed entrance would be offset from Derby Woods Circle, the entrance to the Derbywood subdivision, in such a way that left turn queues at the two intersections would overlap. Because the proposed development would be age-restricted housing, DeIDOT will require auxiliary lanes even if they do not meet DeIDOT’s current warrants. Therefore, either Derby Woods Circle or the proposed site entrance will have to be relocated to align one opposite the other, and it appears that Derby Woods Circle cannot be moved. It is recommended that the developer consider routing all access through the Cooper Property.

- 4) If the site plan is approved, the developer's engineer should contact the DelDOT project manager for Kent County, Mr. Brad Herb of Johnson, Mirmiran & Thompson, regarding the DelDOT requirements for access. Mr. Herb may be reached at (302) 266-9080.

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

General Comment:

This proposal is for an “active adult” community. However, there are no local amenities or services within walking distance or short driving distance. The Cooper property to the north (2004-10-09) proposes some retail and services. There are currently no connections between these two parcels – the State should strongly encourage the site plans for both projects to be revised to include ample vehicular and pedestrian access.

Soils

According to the Kent County soil survey, Sassafras and Mixed Alluvial were mapped in the immediate vicinity of the proposed construction. Sassafras is well-drained upland soil that has few limitations for development. Mixed alluvial is a very poorly-drained wetland associated (**hydric**) soil of floodplains.

Wetlands

State wetland maps indicate the presence of significant areas of palustrine wetlands on site. However, site plans show that there will be no direct impact to wetlands as a result of this project. 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 Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Wetlands and Subaqueous Lands Section, and by the Corps of Engineers.

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.

It is important to 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.

Vegetated buffers, comprised of native trees, shrubs or no-mow grasses, of no less than 100 feet should be employed from the edge of the wetland complex and other waterbodies on site.

It should also be noted that this parcel immediately adjacent to sensitive headwater riparian wetlands associated with the Tidbury Creek. Headwater riparian wetlands and their associated streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff their protection deserves the highest priority. **In recognition of this concern, the Department strongly recommends that the applicant preserve, in its entirety, the existing natural forested buffer adjacent to said Headwater riparian wetlands. Efforts to maximize or expand the existing natural buffer width via planting of native woody or herbaceous vegetation beyond the recommended 100-foot buffer width, is also strongly recommended.**

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

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

Water Supply

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

Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the Kent Conservation District. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.

The following notes must appear on the record plan:

- The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
- The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
- A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

Ease of maintenance must be considered as a site design component and a maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.

All drainage ways and storm drains should be contained within drainage easements and clearly shown on the plan to be recorded.

A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

Comments:

1. From the USGS Topography Map, it appears that steep erodible slopes are present around the perimeter of the site bordering the tributary of the Tidbury Creek. Care should be taken to avoid disturbance in these areas with lot

- construction. During design of the stormwater management basin, it should be evaluated to determine if it meets Small Pond Code definition of an embankment pond.
2. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
 3. The designer is encouraged to consider the conservation design approach and limit the amount of tree clearing required for the development of the site including the stormwater management facilities shown in the wooded areas.
 4. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.
 5. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
 6. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
 7. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision.
 8. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.

Drainage

The Drainage Section has knowledge of existing drainage complaints to the south of this project. The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

Floodplains

Kent County's Subdivision regulations prohibit the subdividing of land within the floodplain. This project appears to encroach within the floodplain. **FEMA requires a detailed flood study to be performed by the applicant if the development proposal is greater than 5 acres or 50 lots, and the floodplain has not been studied in detail by FEMA.**

Dredge Materials

The Division of Soil and Water Conservation utilized approximately 2.0 acres of the Tallman property in 1986-87 for dredged material disposal purposes in association with the Derby Pond dredging project.

Rare/Threatened/Endangered Species

A review of our database indicates that there is a population of *Anodonta implicata* (alewife floater) within the Derby Pond system. *Anodonta implicata* is a freshwater mussel that is a species of conservation concern in Delaware. Because freshwater mussels are filter feeders, and have a long lifespan and complex life cycle, they are affected by changes in water quality. Impacts to this population of freshwater mussels can be minimized by taking measures to decrease sedimentary or other inputs into the creek during construction activities.

Because of the presence of *Anodonta implicata*, the portion of Tidbury Creek within the boundaries of your project lies within a State Natural Heritage Site. However, it does not lie within a Delaware National Estuarine Research Reserve. This is one of the criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters – if this is an issue – will be made by the U.S. Army Corps of Engineers (ACOE). The information above will aid the ACOE in their determination.

Habitat

DNREC sent comments regarding construction of a road crossing for this project to Anna P. Sollenberger of Geo-Technology Associates, Inc. on September 29, 2004. The comments were as follows (in part):

“Based on review of topographic maps, aerial photographs, and because we have not visited the site previously, our DNHP botanist and assistant zoologist requests the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. Their observations would allow us to make more informed comments on this project. Please contact Bill McAvoy and Kevin Kalasz at (302) 653-2880 to set up a site visit. (Note: Anna Sollenberger has recently contacted staff to set up a site visit. DNREC appreciates the opportunity and quick response to their request and will send a follow-up letter regarding their findings to the consultant).”

In addition, it is strongly encouraged that the landowner(s) maintain as much of the forest on this parcel as feasible, especially where it borders Tidbury Creek (at least a 100ft buffer, preferably 300ft). An estimated 5,000 acres of forest have been lost in Delaware since 1990 and the cumulative loss has led to a corresponding loss of forest-dependent species (Environmental Law Institute. 1999. Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation. ISBN#1-58576-000-5). For migratory birds, it is extremely important to conserve large tracts of forests in the State of Delaware due to its position within the Atlantic flyway. Forest fragmentation resulting from development

separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species, particularly songbirds, vulnerable to predation. In addition, forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities. We would gladly assist the landowner(s) in evaluating these parcels for wildlife habitat. Many new incentive-based programs for wildlife management are available to private landowners through the Natural Heritage Program. Please contact DNREC if the landowner(s) is interested in more information.

Open Space

This parcel is primarily forested. While the developer has worked to ensure adequate forested buffers from Tidbury Creek, maintenance and preservation of the forested area in the northeast portion of the parcel to the extent possible will be beneficial for flood attenuation, groundwater recharge, air quality, and noise mitigation in addition to being a valuable community asset. The developer is encouraged to remove only those trees absolutely necessary for construction.

The stormwater management pond should be moved outside of the forested area in order to maximize the benefits of the riparian buffers.

Revegetation/Landscaping

It is requested that no invasive species be used in the revegetation of disturbed or landscaped 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. They further encourage the use of native plants, where possible/feasible, for habitat restoration projects on-site and their Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

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. A connection to the north (Cooper Property) to increase mobility for bicyclists and pedestrians is strongly recommended.

It is further recommended that a centrally located active recreation area be included. Consideration should be given to rearrange the driveways in the middle of the project to accommodate a recreation area.

Underground Storage Tanks

There are two inactive LUST site(s) located near the proposed project:

Delaware State Police Troop 3, Facility # 1-000591, Project # K0101001

Price Honda, Facility # 1-000142, Project # K9404093

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.

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 18.4 tons (36,837.5 pounds) per year of VOC (volatile organic compounds), 15.2 tons (30,499.0 pounds) per year of NO_x (nitrogen oxides), 11.3 tons (22,502.7 pounds) per year of SO₂ (sulfur dioxide), 1.0 ton (2,003.1 pounds) per year of fine particulates and 1,540.7 tons (3,081,409.6 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 2.9 tons (5,888.7 pounds) per year of NO_x (nitrogen oxides), 10.2 tons (20,482.6 pounds) per year of SO₂ (sulfur dioxide) and 1,510.6 tons (3,021,177.6 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 7.4 tons (14,858.2 pounds) per year of VOC (volatile organic compounds), 0.8 ton (1,634.9 pounds) per year of NO_x (nitrogen oxides), 0.7 ton (1,356.7 pounds) per year of SO₂ (sulfur dioxide), 0.9 ton (1,750.8 pounds) per year of fine particulates and 30.1 tons (60,232.0 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	18.4	15.2	11.3	1.0	1540.7
Residential	7.4	0.8	0.7	0.9	30.1

Electrical Power		2.9	10.2		1510.6
TOTAL	25.8	18.9	22.2	1.9	3081.4

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, the State notes that this proposed development is within a growth area and proposed for annexation within the Town of Camden Georgetown. Therefore, the State would ask that you consider the development of energy efficient homes and interconnectivity with the Town and surrounding commercial areas to promote walkability and bikeability.

State Fire Marshal’s Office – Contact: John Rossiter 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

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

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

d. **Gas Piping and System Information**

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

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The *Delaware Forest Service* recommends the following:

- Preservation of trees during the construction process.
- Develop a forest mitigation plan for the site to replace trees removed during the construction process.
- Use of a Diverse Landscape Plan the use the “right tree for the right place” concept which encourages native trees and shrubs when possible.
- The use of forest buffers for adjacent subdivisions, critical areas and agricultural sites.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information sheets provided state that the developer intends to have The Town of Camden supply public water to the site. Our information on the site indicates that Tidewater Utilities currently holds the Certificate of Public Convenience and Necessity number PSC-1190 to provide public water to the area. The developer should discuss his options with the Public Service Commission. They can be reached at 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.

Delaware Emergency Management Agency – Contact: Don Knox 6593362

Due to the large number of residential units 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 the Town of Camden, to keep them apprised of all development activities.

It should also be noted that portions of this property are located in the Special Flood Hazard Area inundated by the 100-year flood.

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.

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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 typed name.

Constance C. Holland, AICP
Director

CC: Town of Camden