



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

January 10, 2005

Mr. Mark H. Davidson  
Design Consultants Group, LLC  
18072 Davidson Drive  
Milton, DE 19968

RE: PLUS review – PLUS 2004-12-02 Holland Mills

Dear Mr. Davidson,

Thank you for meeting with State agency planners on December 22, 2004 to discuss the proposed plans for the Holland Mill project to be located on the south side of SCR260 (Walker Road) approximately one mile west of SCR258 (Hudson Road) in Sussex County.

According to the information received, the developers are seeking to develop 136 residential dwelling units on 68.29 acres south of the Town of Milton. The property is currently zoned AR-1 and the proposed zoning is AR-1 Cluster.

Please note that changes to the plan, other than those suggested in this letter, may result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented in the PLUS review. The developers will need to comply with any Federal, County and local regulations regarding this property. 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 during the PLUS review:

**Office of State Planning Coordination – Contact Ann Marie Townshend 739-3090**

This proposal is located in an Investment Level 4 area, adjacent to the Littlefield Agricultural Preservation District. In these areas, State policies support preservation of agriculture and natural resources, not development. The State will not support or participate in any improvements necessary to serve this development, and we are concerned about the impact that development in the area will have on the investment that the State has made in preserving agriculture in this area. Comments included in this letter are technical and do not indicate support for this proposal by the Office of State Planning Coordination or any other State agency.

We are pleased to see that the plan includes a 100-foot buffer along the stream and wetland, but we note that in some areas, it is within the lot lines (lots 45, 46, 49, 50). We support DNREC's recommendation that wooded areas and buffers be removed from the lot lines. More detail on this issue is in DNREC's comments below.

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

This development is not favored because it is in Investment Level 4 of the Strategies for State Policies and Spending. There are some 19<sup>th</sup> century outbuildings on the property that are in deteriorating condition. The house is no longer extant. There is a high probability for historic archaeological sites associated with the buildings. It is recommended the development stay out of the woods and include an open space buffer between the woods and development to allow for preservation of archaeological sites. If there is federal involvement in the form of permits, licenses, or funds, the federal agency is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and should consider the effects the project will have on historic resources.

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

- 1) Because the development is proposed for a Level 4 Area, it is inconsistent with the Strategies for State Policies and Spending. Therefore DelDOT will not participate in the cost of any road improvements needed to support this development. The comments that follow are technical, and are not intended to suggest that DelDOT supports this development proposal.
- 2) While the Holland Mills and Anthem developments do not separately warrant traffic impact studies (TIS), the two projects combined would warrant one. Accordingly, DelDOT anticipates requiring road improvements as though a TIS had been done. The developers of these projects should anticipate sharing the cost of improving Walker Road to meet DelDOT's local road standards, that is 11-foot lanes and 4-foot shoulders, and possibly making improvements to Diamond Farm Road (Sussex Road 257) and Hudson Road (Sussex Road 258) as well. These improvements would be required as part of the entrance construction and the specifics of what improvements will be required will be determined by DelDOT's Subdivision Engineer, Mr. Drew Boyce. Mr. Boyce may be reached at (302) 760-2165.
- 3) Walker Road is classified as a local road. From tax maps and aerial photography, it appears to have an existing right-of-way width of about 50 feet. 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 they will require right-of-way dedication to provide the additional five feet from this project.
- 4) DelDOT will also require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site.
- 5) DelDOT recommends that stub streets be provided to the Carpenter and Dunlap parcels, respectively to the south and west.

- 6) The entrances on Walker Road should be located opposite the entrances to the proposed Anthem subdivision.
- 7) The developer's engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding our requirements for access. Mr. Fiori may be reached at (302) 760-2260.

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

**General Comment**

There are numerous advantages and benefits to addressing issues like water and wastewater, stormwater management, open space and habitat, and recreation on a regional level. Interconnectivity is another issue that could be addressed regionally. The developer is encouraged to explore regional issues/options with the developer of Anthem.

**Soils**

The Sussex County soil survey mapping indicates that Sassafras Rumford, and Johnston were mapped in the immediate vicinity of the proposed construction. Sassafras and Rumford are well-drained upland soils that have few limitations for development. Johnston is a very poorly-drained soil associated with floodplain wetlands (**hydric**).

**Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands in the eastern portion of the parcel.

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. Impacts to these wetlands which are adjacent to Beaverdam Creek 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.

Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Lots should be removed in their entirety from the wetland, wetland buffers and the forested areas. Vegetated buffers 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.

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 should also be noted that this parcel immediately borders sensitive headwater or near headwater riparian wetlands associated with the Broadkill River. Headwater streams and their associated wetlands 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 such 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 the existing natural forested buffer (both wetlands and uplands) adjacent to the headwater stream(s) in its entirety. Efforts to maximize or expand the existing natural forested buffer width via planting of native woody or herbaceous vegetation, is further 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 Broadkill 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.

### **Water Resource Protection Areas**

A significant portion of the parcel is located in an excellent recharge area (see map). According to the State law that created the Source Water Protection Program, county and municipal governments will be required to enact ordinances to protect Water Resource Protection Areas. The following language has been excerpted from the draft Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the language is currently draft and the local ordinances are not yet in place, the developer may find the language useful in modifying the site plan to protect the excellent recharge area.

*Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.*

*New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.*

*Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.*

*The Department recommends the following (ranked in order of preference):*

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement.*
- 2) Limit impervious cover of new development to 20 % by right within WRPAs.*
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff.*
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.*

### **Sediment and Erosion Control/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.

Copies of state and/or federal permits for construction of the stormwater outfall within wetlands must be included with the plan submittal.

### **Forests**

According to 2002 aerial photos there is a forested area in the eastern portion of this parcel. This area provides important water quality, air quality and habitat benefits both to the site itself and the region. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. This includes removing lot lines from forested areas to the extent possible and minimizing any clearing activities. The forested areas on-site should be viewed as a community asset and managed appropriately.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

### **Open Space**

PLUS materials indicate that 24.06 acres of open space is proposed for this parcel.

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated along the forested areas.

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.

### **Rare/Threatened/Endangered Species**

The Delaware Natural Heritage and Endangered Species Program (DNHESP) has records of rare species within the vicinity of the project area along Beaverdam Creek that could be affected by habitat loss and detrimental changes to water quality. They strongly encourage the applicant/landowner(s) to maintain the existing forested buffer along Beaverdam Creek (and associated wetlands) to minimize inputs to the stream from the proposed development. The buffer should not contain lot lines as landowner activities within this zone could include tree removal, nutrient enrichment from lawn care practices and other activities detrimental to water quality. Buffers are an integral component of aquatic and wetland habitats, reducing the amount 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. Forested buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual life cycle.

### **Revegetation/Landscaping**

DNREC requests 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 DNREC 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 for habitat restoration projects on-site and our Botanist, Bill McAvoy can be contacted at (302) 653-2880 to assist you in developing a plant list.

### **Stormwater Ponds, Buffers, and Nuisance Species**

The stormwater management pond(s) (designated as 'open space') within 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 (DNREC recommends 50 feet) around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

It is further recommended that all stormwater ponds be at least 100 feet from all wetlands and waterbodies.

### **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.

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 facility needs in Eastern Sussex County are Walking and Jogging, Bike Paths and Fishing Areas. The moderate facility needs are Picnic Areas, Skate Facilities, Canoe/Kayak Access, Hiking Trails, Swimming Pools, Playgrounds, Soccer Fields, Tennis Courts, Power Boat Access and Baseball/Softball Fields. 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.

### **Air Quality**

Once complete, vehicle emissions associated with this project are estimated to be 10.4 tons (20,874.6 pounds) per year of VOC (volatile organic compounds), 8.6 tons (17,282.7 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 6.4 tons (12,751.5 pounds) per year of SO<sub>2</sub> (sulfur dioxide), 0.6 ton (1,135.1 pounds) per year of fine particulates and 873.1 tons (1,746,132.1 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 4.2 tons (8,419.7 pounds) per year of VOC (volatile organic compounds), 0.5 ton (926.4 pounds) per year of NOx (nitrogen oxides), 0.4 ton (768.8 pounds) per year of SO2 (sulfur dioxide), 0.5 ton (992.1 pounds) per year of fine particulates and 17.1 tons (34,131.4 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.7 tons (3,337.0 pounds) per year of NOx (nitrogen oxides), 5.8 tons (11,606.8 pounds) per year of SO2 (sulfur dioxide) and 856.0 tons (1,712,000.6 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	10.4	8.6	6.4	0.6	873.1
Residential	4.2	0.5	0.4	0.5	17.1
Electrical Power		1.7	5.8		856.0
TOTAL	14.6	10.8	12.6	1.1	1746.2

**State Fire Marshal’s Office – Contact John Rossiter 323-5365**

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):

**Fire Protection Water Requirements**

- 1) 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.
- 2) The infrastructure for fire protection water shall be provided, including the size of water mains.

**Accessibility**

- 1) 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 Walker Road must be constructed so fire department apparatus may negotiate it.
- 2) 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.
- 3) 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.

- 4) If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

**Gas Piping and System Information**

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

**Required Notes**

- 1) 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”
- 2) Name of Water Supplier
- 3) Proposed Use
- 4) National Fire Protection Association (NFPA) Construction Type
- 5) Maximum Height of Buildings (including number of stories)
- 6) 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.

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

The Department of Agriculture does not support development of this site located in a Level 4 Area of the State Strategies for Policies and Spending. In addition, the proposed site is located adjacent to 294 acres of permanently preserved and 137.4 acres of ten-year preserved “Littlefield Agricultural Preservation District.” As such, the Littlefield District is privileged to lay both within the 50-foot setback and 300-foot notification zone protections.

If a proposed new subdivision borders or is near an agricultural preservation district, then the owner of the preservation district is entitled to the following use protections, quoted from the Delaware Code:

**§ 910. Agricultural use protections.**

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

*“This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”*

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees. (68 Del. Laws, c. 118, § 2.)

The Delaware Forest Service (DFS) encourages the use of native vegetation for the required agricultural and forested buffer for the development site. The DFS encourage the developer to consider a diverse landscape plan that utilizes the right tree for the right place concept. DFS encourages the preservation of forested areas adjacent to creeks, streams, wetlands and other water bodies to lessen potential pollutants to the state's water resources. Also, DFS requests the developer to develop connections for both traditional and green infrastructure between future development activities and existing natural resources. Finally, DFS encourages the use of a forestry or arboriculture professional to support the activities recommended for this site.

**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.

The application notes Tidewater Utilities, Inc. as the water provider, however the project is not in a certificated area. The water service provider selected will need to apply for a Certificate of Public Convenience and Necessity (CPCN) to serve the project.

The application notes a community wastewater system with a provider to be selected. If wastewater services are provided by a non-governmental entity and there are more than 50 customers served, the wastewater service provider will need to apply to the PSC for a

CPCN. Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

**Delaware State Housing Authority – Contact Jimmy Atkins 739-4263**

The proposal is to develop 136 units on 68 acres on the South side of Walker Road, adjacent to Beaverdam Creek, and south of Milton. According to the State Strategies for Policies and Spending, the proposal is located in an Investment Level 4 area. The DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 1 and 2 areas outlined in the State Strategies Map. The proposal is located in an area targeted for agricultural activities and natural resource protection, and therefore inconsistent with where the State would like to see new residential development.

**Department of Education – Contact Nick Vacirca 739-4658**

Development in Investment Level 4 areas of the Strategies for State Policies and Spending will cause additional strain on the public school transportation system.

It is estimated that 136 dwelling units could generate 68 additional students for the Cape Henlopen School District.

Sussex County does not have school concurrence legislation at this time. The Department of Education recommends that the developer submit a package to the school district for informational purposes and work closely with the school district transportation supervisor.

If the development is approved and built, please use the following information for school transportation planning: homes more than 1/2 mile from the nearest public road (outside the development) require streets wide enough for large school bus access and turn around (without backing) from the furthest areas within the development. Should there not be any homes more than 1/2 mile from the nearest public road, pick-up and drop-off areas at the development entrance should be included.

**Sussex County – Contact Richard Kautz**

The developer should provide the stub road access to adjacent property as requested by DelDOT.

Because this project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. Also, the developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be

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allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C).

The Sussex County Engineer comments: the project proposes to develop a private central community wastewater system. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility. The proposed project is located outside of the Inland Bays Planning Area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. If Sussex County provides sewer service in the future, it is required that the treatment system be abandoned and a direct connection made to the County system at developer and/or homeowner association expense. A review of the treatment and disposal system by the Sussex County Engineering Department is also required. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

This concludes our comments. 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 these comments noting whether or not specific recommendations were incorporated into the project design and the reasons 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".

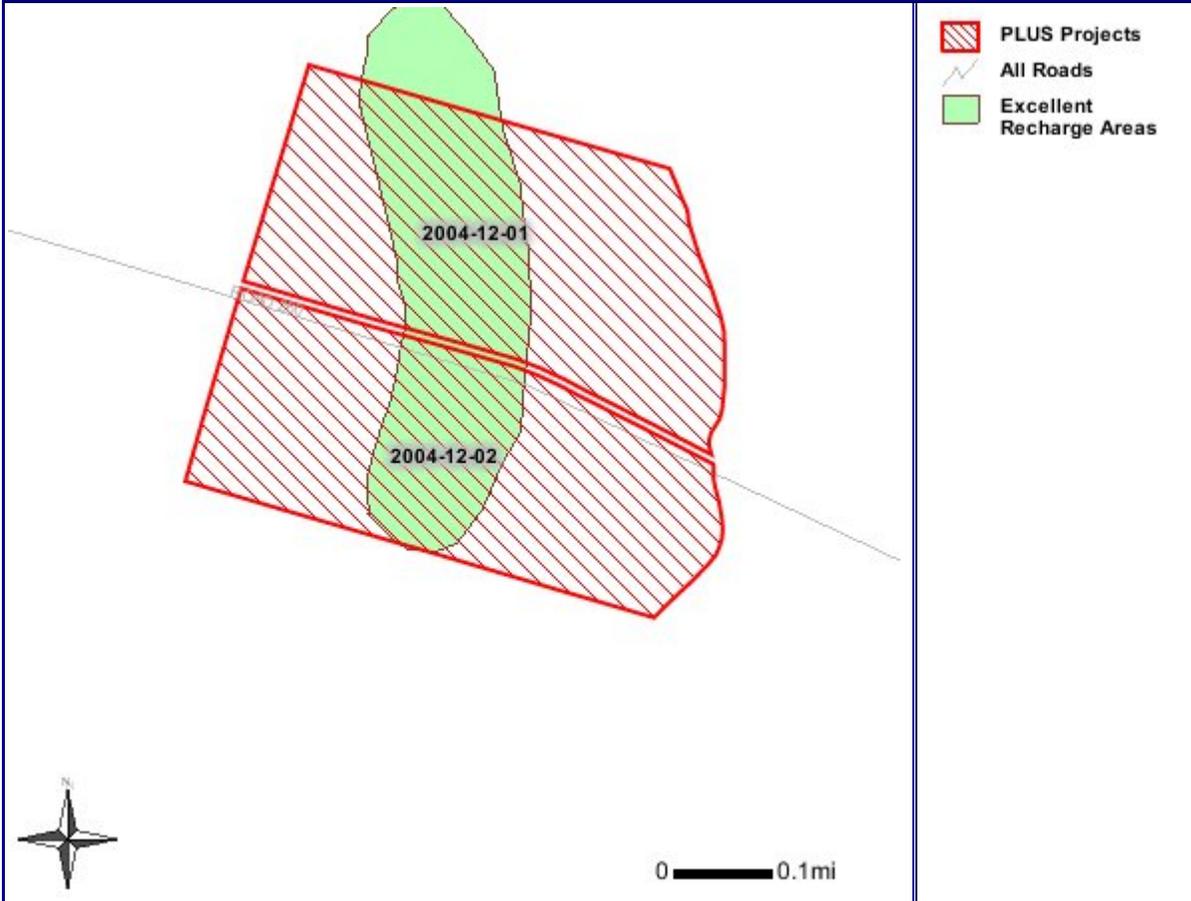
Constance C. Holland, AICP  
Director

CC: Town of Milton  
Sussex County



# Holland Mills

2004-12-02



This map was produced by the Delaware Department of Natural Resources and Environmental Control.

