



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

February 28, 2005

Mr. Kenneth R. Christenbury, P.E.  
River Basin Engineering  
17585 Nassau Commons Blvd., Ste. 3  
Lewes, DE 19958

RE: PLUS review – PLUS 2005-01-01; Seaford 36, LLC

Dear Mr. Christenbury:

Thank you for meeting with State agency planners on February 2, 2005 to discuss the proposed plans for the Seaford 36, LLC project to be located East of Route 13 and north of Tharpe Road, on the northeast edge of Seaford.

According to the information received, you are seeking a rezoning from AR-1 to R3 for the purpose of 501 multi-family dwellings.

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 City of Seaford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

**Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

### **State Strategies**

- This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending and is proposed for annexation into the City of Seaford. The Office of State Planning Coordination has no objection to the development of this project in accordance with relevant State and City regulations. However, there are some significant environmental and design recommendations that are a part of this letter that we encourage the developer and the City to take into consideration through the local review process.

### **Street Design and Transportation**

- DelDOT will require that the developer build the service road as their entrance from Tharp Road and build the rest of the road through their property and/or provide a right-of-way for it.
- The project should be redesigned to create a hierarchical system of streets and aisle-ways because to promote circulation through the site and concentrate parking where there would be less through traffic. The long straight streets or aisleways with perpendicular parking and multiple conflict points should be avoided or equipped with traffic calming devices.
- The townhouses that would be located along the north edge of the parcel would be isolated and potentially difficult to reach in an emergency. If better emergency access cannot be provided, consideration should be given to eliminating these lots.

### **Natural Resource Protection**

- We ask the developer and the City to assess the project's intensity and design and provide a project that better considers the environmental constraints on the land. The proposed 501 units may be too much for this parcel, given the extensive wetlands and drainage issues on and around the site.
  - All units in the isolated northern portion of the parcel should be eliminated and a vegetated buffer zone of no less than 100' from the wetland edge should be applied. No lot lines should be included in the wetlands or the wetlands buffers.
  - Bioretention and infiltration are not likely stormwater management options for the site based on the site conditions. All runoff from the developed areas must be fully treated for stormwater quality management prior to release to the wetlands.

- The plan notes that 25 acres of the forested area of the site will be removed. While we understand that the forest on the site has been cut over and is not mature, forested areas provide important water quality, air quality, and habitat benefits to this site and the region. Forest clearing should be minimized, and any necessary clearing should be mitigated through planting elsewhere on site or on adjacent sites. Bryan Hall, of the Department of Agriculture, should be consulted regarding tree preservation and mitigation on the site.
- If units remain on the northern portion of the site, a bike/pedestrian connection to the north adjoining parcel is encouraged, allowing mobility to the adjacent land when it develops.
- We discourage the construction of a system of pathways through the wetlands.
- More area should be dedicated to active outdoor recreation than is shown on the site plan.

The following are the complete comments received from the State Agencies:

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

The Office of State Planning Coordination notes that the proposal is located mostly within an Investment Level 2 area according to the Strategies for State Policies and Spending, with the eastern portion of the site in Investment Level 3. We note also that the project is proposed for annexation into the City of Seaford. State policies support development activities within Investment Level 2 areas and within municipalities.

While generally, policies support development in this area, the extensive wetlands on the site present an environmental constraint that the site plan presented for PLUS review does not adequately address. We ask the developer and the City to reassess the project's intensity and design and provide a project that better considers the environmental constraints on the land. We believe that the 501 units proposed for this site may be too much, given the extensive wetlands and drainage issues on and around the site. We ask that the developer use the concepts presented in the recent publication *Better Models for Development in Delaware* in redesigning the site. We also support DelDOT's recommendation that a hierarchy of roads be included in the site's design.

**State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685**

There is a medium probability for archaeological sites on this property. If there is any 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 must consider the effects of the project on historic and cultural resources.

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

- 1) On January 5, 2005, a traffic impact study (TIS) was scoped for this project under the name “Lands of Seaford 36”. DelDOT will comment to the City on the results of that study when it is complete and they have reviewed it. .
- 2) Under the Corridor Capacity Preservation Program, DelDOT has developed conceptual plans for a service road that would run behind Wal-Mart and continue north through the subject property. As drawn, the service road would conflict with the proposed plan. They have some flexibility with regard to the alignment, but will require that the developer build the service road as their entrance from Tharp Road and build the rest of the road through their property and/or provide a right-of-way for it. While they also have some flexibility with regard to the typical section, an aisle-way with perpendicular parking lining both sides will not suffice.
- 3) The service road discussed in Comment 2 should provide for connections to the adjoining property to the east, which is also proposed for development.
- 4) The concept plan presented is characterized by long straight streets or aiseways with perpendicular parking and multiple conflict points. These should be avoided, or equipped with traffic calming where they cannot be avoided. Also, the townhouses that would be located along the north edge of the parcel would be isolated and potentially difficult to reach in an emergency. If better emergency access cannot be provided, consideration should be given to eliminating these lots. DelDOT recommends that the project be redesigned to create a hierarchical system of streets and aisle-ways to promote circulation through the site and concentrate parking where there would be less through traffic. They recognize that the project would have private streets and that the changes suggested here may mean that fewer buildings will fit on the parcel. However, sites with private streets should still be designed for safe and efficient access and sometimes this means reduced density or taller buildings.
- 5) The developer’s site engineer should contact the Subdivision Manager for Sussex County, Mr. John Fiori, regarding our requirements for access and the service road. Mr. Fiori may be reached at (302) 760-2260.

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

**General Comment**

Although the parcel is primarily within the Level 2 development zone, the site is significantly constrained by wetlands and may not be appropriate for development at the intensity proposed. The siting of the residential units within upland pockets on the rear of

the parcel create a neighborhood that is not connected and pedestrian friendly. Further, these units do not allow for appropriate buffer distances from the wetlands.

### **Design Recommendation**

Eliminate all units in the rear portion of the parcel and apply vegetated buffer zones of no less than 100' from the wetland edge.

### **Soils**

According to the Sussex County soil survey, Evesboro, Woodstown, Fallsington, and Pocomoke were mapped in the immediate vicinity of subject parcel. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Woodstown is a moderately well-drained soil of low-lying upland that has moderate limitations for development. Fallsington and Pocomoke are poorly to very poorly drained wetland associated (**hydric**) soils that have severe to very severe limitations for development.

### **Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested evergreen wetlands on site. Documents provided through the PLUS process indicate that a wetland delineation has been conducted and that wetland permits from the Army Corps of Engineers will be required. The developer is strongly encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

Impacts to 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.

Site design maximizes the number of residential units by nestling units to the wetland line in upland pockets large enough to allow. This does not allow appropriate wetland buffer distances. Further, this necessitates pathways through the wetland. Both will have deleterious impacts on the function of this wetland. Upland pocket units in the rear of the parcel should be removed and proposed pedestrian pathways through the wetland should be minimized.

It is important to note that in the permitting process both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands and wetland buffers to

minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

### **ERES Waters**

This project is located adjacent to environmentally sensitive receiving waters of the Chesapeake Bay Watershed; 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 Chesapeake Bay Watershed, reduction of nitrogen and phosphorus loading will be obligatory. 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. In the Chesapeake Watershed, "target-rate-reductions" of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

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 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." 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 (739-4590) in the Department's Watershed Assessment Section for further information regarding the acceptable protocol for performing this calculation.

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses. **A 100-foot minimum isolation distance is recommended from all wetlands or waterbodies.**

## **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 Dale Annis at 302-739-3665.

## **Sediment and Erosion Control/Stormwater Management**

The application mentions bioretention as a stormwater management option, but given the site's soils, high water table and proximity to wetlands, bioretention is not a likely option for the site.

Each stormwater management facility must 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. It is unclear how drainage on this site will work with drainage on the WalMart site to the south. Drainage problems currently exist in this area.

Control of the volume of stormwater should be provided given the poor drainage in this area; however, infiltration is not a viable option based upon the soils on site. The best way to minimize the runoff volume impacts in the area is to limit the amount of impervious cover, reduce the density of development, and eliminate some of the developed area on the site, such as the northern developed area that is isolated by the wetlands. All runoff from developed areas, including rooftops and lot areas must be fully treated for stormwater quality management prior to release to the wetlands.

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.

### **Forests**

According to 2002 aerial photos there is an immature forested area within this parcel. PLUS materials indicate that 25 acres will be removed. Forest clearing should be minimized to the fullest extent possible. This forested area provides important water quality, air quality and habitat benefits both to the site itself and the region.

Site plans show impacts to the forested area in the eastern portion of the project site. This particular area is adjacent to a large forested parcel, and is part of a large riparian corridor along Clear Brook. This riparian corridor is close to a series of private and State conservation areas leading to Redden State Forest. As such, the forest on this parcel is an important component of this much larger system. Clearing trees here will cause “fragmentation” of the larger forest, resulting in a significant decrease in habitat value. The developer is strongly encouraged to preserve, and where possible, enhance forested resources on site.

Any lands set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection mechanism. These areas should be clearly marked and delineated so that homeowner activities do not infringe upon these areas.

### **Open Space**

Undeveloped forest and wetlands within the parcel should be set aside for passive open space and placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

### **Potential Hunting Issue**

Because the project parcel is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited and the applicant may want to contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100 yards of their property for hunting if there is no buffer between lot lines and the adjacent property line.

### **Nuisance Waterfowl**

The stormwater 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 (at least 50ft) 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 a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

### **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. DNREC also encourages a bike/pedestrian connection to the north, allowing mobility to the adjacent Seaford annexed property likely to be developed.

Although DNREC encourages pathways in most cases, they discourage the construction of a network of pathways through the wetland area. Because of the project layout, it is likely that a pathway will be established by residents from the northern part of the project to gain access to the adjacent retail business to the south. Please contact David Bartoo at 739-5285 for pathway construction in wetlands areas.

DNREC would like to see a greater amount of area dedicated to active outdoor recreation based on the number of residents this project will involve. They encourage the designer/builder to involve the Seaford Parks and Recreation Department in the outdoor recreation components of this project. Ron Breeding can be reached at (302) 628-6002.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing

guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Western Sussex County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project. For additional information about the outdoor recreation priorities, contact Bob Ehemann at 739-5285.

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

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

### **Site Investigation and Restoration**

The proposed project is located near the SIRB site DE-1077, Krewatch-Phii. This Site contained an oil storage area, and after a fire, DNREC and EPA initiated cleanup efforts in July 1985. A Site Investigation (SI) was completed in July 1987 after the EPA cleanup. The SI revealed no contaminants at levels of toxicological concern. A Remedial Investigation (RI) began in 1996 under the Voluntary Cleanup Program. During the RI, 28 filled drums, approximately 15 cubic yards of crushed and empty drums, and 35.5 tons of contaminated soil were excavated from the Site. The EPA took over the remediation and removed 137 drums and 543 five-gallon tar buckets, plus 1,200 cubic yards of soil from the drum burial site. DNREC performed a groundwater investigation by installing monitoring wells and testing residential wells. Since the proposed project will be using public water, SIRB does not foresee any issues relating to the Krewatch-Phii site to affect the proposed project. If, however, private wells will be installed, SIRB should be notified, and the groundwater should be tested before it is used.

### **Underground Storage Tanks**

There are no LUST site(s) located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

### **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 38.4 tons (76,898.3 pounds) per year of VOC (volatile organic compounds), 31.8 tons (63,666.6 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 23.5 tons (46,974.4 pounds) per year of SO<sub>2</sub> (sulfur dioxide), 2.1 ton (4,181.5 pounds) per year of fine particulates and 3,216.2 tons (6,432,442.5 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 15.5 tons (31,016.6 pounds) per year of VOC (volatile organic compounds), 1.7 ton (3,412.8 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 1.4 ton (2,832.1 pounds) per year of SO<sub>2</sub> (sulfur dioxide), 1.8 ton (3,654.7 pounds) per year of fine particulates and 62.9 tons (125,734.2 pounds) per year of CO<sub>2</sub> (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 6.1 tons (12,292.7 pounds) per year of NO<sub>x</sub> (nitrogen oxides), 21.4 tons (42,757.3 pounds) per year of SO<sub>2</sub> (sulfur dioxide) and 3,153.4 tons (6,306,708.2 pounds) per year.

	VOC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	38.4	31.8	23.5	2.1	3216.2
Residential	15.5	1.7	1.4	1.8	62.9
Electrical Power		6.1	21.4		3153.4
TOTAL	53.9	39.6	46.3	3.9	6432.5

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

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

**State Fire Marshal's Office – Contact: Duane Fox 302-856-5298**

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 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartments, and Townhouses)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Tharpe Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

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

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

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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

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

*Overall Comments*

The Delaware Department of Agriculture supports development of this parcel located within a state designated growth area. However, the proposed development plan does not adequately consider site conditions or the unique environmental features of this location. We strongly encourage the developer/owner to redesign the proposed subdivision plan in consideration of site features, environmental sensitivities and state planning review comments. The Delaware Department of Agriculture Forest Service recognizes the City of Seaford as a Tree City USA Community. This national recognition rewards communities whom have invested time, energy and monies into enhancing their urban forest resources. The Forest Service encourages the developer to work closely with the city to achieve their long-term goals to grow their urban forest resources.

*Forest Mitigation Activities*

The Delaware Forest Service has reviewed this site and recognizes this site has not been managed for any environmental opportunities or returns. Presently, the site has been cut-over leaving many dead and or dying trees. It is their hope that you will work with the city to mitigate these hazards and replant trees where appropriate within the community and within the surrounding commercial properties.

*Right Tree for the Right Place*

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

*Native Landscapes*

The Department of Agriculture and the Delaware Forest Service (DFS) encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

*Open Space Considerations*

The Delaware Department of Agriculture supports comments made by DNREC Parks & Recreation Department to allow for improved design of open space and provide areas of connectivity to both passive and open space areas within the planned community. In addition, they encourage the developer to remove those lots within the northern most point of the development to allow for an improved open space design which will allow for enhance wildlife habitat and improve water quality within the headwaters of the surrounding streams and lakes. Furthermore, DFS offers its assistance to the developer to implement these practices, please contact Bryan Hall of our office at (302) 698-4500.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

It appears that the project is not within the City of Seaford’s CPCN area, nor is it within the city’s boundaries. If this property is annexed, the City must notify the Commission when the annexation is complete. The city may serve the project prior to or without annexation, but it would need to apply for the CPCN

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

If the project lies outside the service area territory provided to the Commission in October 2004, the City must provide updated information to the Commission.

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

According to the State Strategies Map, the proposal is located in Investment Level 2. Development in Investment Level 2 provides residents with better access to existing services, markets, and employment opportunities as opposed to Investment Level 4, for example. Furthermore the proposal targets first-time homebuyers, which will help address the need for affordable housing as outlined in the 2003 Statewide Housing Needs Assessment.

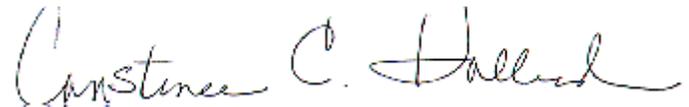
**Delaware Emergency Management Agency – Contact: Don Knox 659-3362**

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 City of Seaford, to keep them apprised of all development activities.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

CC: City of Seaford  
Sussex County  
Seaford 36, LLC