



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

March 11, 2005

Mr. Kyle Faust  
McCrone, Inc.  
119 Naylor Mill Road  
Bldg. 1, Ste. 6  
Salisbury, MD 21801

RE: PLUS review – PLUS 2005-02-10; Potnets - Lakeside

Dear Mr. Faust:

Thank you for meeting with State agency planners on February 23, 2005 to discuss the proposed plans for the Potnets Lakeside project to be located north of the intersection of SR299 and 299A.

According to the information received, you are seeking site plan approval through Sussex County for 83 single family residential units on 38 acres in the Environmentally Sensitive Developing Area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

**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/Project Location**

- The proposal is located in an Investment Level 3 area according to the Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. The State encourages any development on the site to be sensitive to the natural resources that exist on or adjacent to it.

### **Street Design and Transportation**

- A second street connection should be provided, perhaps at Regatta Court, to provide an alternative to Mimosa Court for residents traveling within the development.
- The developer should determine what traffic-calming methods would be appropriate on Mimosa Court and plan to install them.
- Although sidewalks may not exist in the older sections of the development, sidewalks are desirable for pedestrian safety and connectivity and it is recommended that the developer begin providing them.
- It is recommended that the County require stub streets to the Davis Property and the Dyer-McCrea Ventures Property

### **Natural and Cultural Resources**

- Lots 66-71, 56-64, 76-81, 45-50, 1-2, and 12 and the two storm water management ponds that encroach on the forest should be removed or moved elsewhere on the site.
- The applicant should preserve the existing natural forested buffer adjacent to the wetlands in their entirety. Efforts to maximize or expand (beyond the recommended 100-foot minimum) the existing natural buffer width with native herbaceous and/or woody vegetation, is strongly recommended.
- Site plans show a road crossing on wetlands; this road crossing should be eliminated because there are clear alternatives that will not impact the wetland complex or forest. Entrance road should be moved west to avoid this impact.

The following are a complete list of comments received by State agencies:

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

The proposal is located in an Investment Level 3 area according to the Strategies for State Policies and Spending and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Investment Level 3 areas reflect long-term growth areas and growth areas with natural resource and/or agricultural issues on or surrounding the site. In this area, this designation is generally a reflection of the natural resource issues on the site. The State encourages any development on the site to be sensitive to the natural resources that exist on or adjacent to it.

We strongly encourage the developer to revisit the proposals design to make it more compatible with the natural resources on the site. Specifically, the forested area along the wetland should be preserved, and the entrance road should be moved away from the forested wetland area. Narrowing the open space area between Crabapple Cove and Mimosa Court would allow for shifting lots away from the wetlands. Additionally, a second connection should be provided between this and the adjacent Pot Nets community.

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

Although nothing is known of this parcel, maps show a pre-1965 building within the parcel. There is a low to medium probability of prehistoric period archaeological sites along the stream.

The State Historic Preservation Office would like to see the bridge crossing and stormwater management pond removed from the site plans. They would also appreciate an opportunity to inspect the area of the pre-1965 development and try to determine its date.

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

- 1) DelDOT supports the proposed connection to Mimosa Court in the existing Pot-Nets Lakeside development. They recommend that a second street connection be provided, perhaps at Regatta Court, to provide an alternative to Mimosa Court for residents traveling within the development.
- 2) The proposed connection of Mimosa Court to Bay Farm Road would provide some residents of the existing Pot-Nets Lakeside development with a shorter path to the commercial development at the north end of Bay Farm Road. For this reason, DelDOT recommends that the developer determine what traffic-calming methods would be appropriate on Mimosa Court and plan to install them.
- 3) The response to item 40 on the PLUS form says there are no existing or proposed sidewalks and that sidewalks generally have not been provided in Pot-Nets

- developments thus far. Sidewalks are desirable for pedestrian safety and connectivity and it is recommended that the developer begin providing them.
- 4) It is recommended that the County require stub streets to the Davis Property and the Dyer-McCrea Ventures Property (This property may have another legal name currently but Mr. Preston Dyer and Mr. Joel McCrea have owned it for some time.) to the north of the subject land.
  - 5) Odyssey Development, the developer of The Peninsula at Longneck, is presently obligated to make significant improvements to Bay Farm Road. To distribute the improvements costs more equitably, DeIDOT may assign some of those costs to Tunnell Companies as a requirement for access. The developer's site engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding our specific requirements for access. Mr. Fiori may be reached at (302) 760-2260.

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

**Design Recommendation**

The developer should provide consideration for habitat conservation or preservation – integral components to a developing plan in an environmentally sensitive developing area. Forested areas on site should be preserved. Lots 66-71, 56-64, 76-81, 45-50, 1-2, and 12 and the two storm water management ponds that encroach on the forest should be removed or moved elsewhere on site. It is particularly important to conserve mature forest stands along the wetland complex. DNREC discourages the construction of the timber bridge on palustrine wetlands due to the fact that the parcel can be accessed from Bay Farm Road by constructing a road by removing parcels 1, 2 and 12.

**Soils**

According to the soil survey update Fort Mott, Galestown, Downer, and Klej were mapped in the immediate vicinity of the proposed construction. Fort Mott, Downer, Galestown, and Downer are well-drained upland soils that, generally, have few limitations for development. Klej is a somewhat poorly-drained transitional soil that is likely to contain both upland and wetland soil (hydric) components.

**Wetlands**

According to the Statewide Wetland Mapping Project (SWMP) mapping, palustrine forested wetlands were mapped on subject parcel.

Site plans show a road crossing on wetlands; this road crossing should be eliminated because there are clear alternatives that will not impact the wetland complex or forest. Entrance road should be moved west to avoid this impact.

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.

Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Particularly because of the environmental sensitivity of this area, lots, ponds, and timber bridges should be removed in their entirety from the wetland complex. Vegetated no-mow 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.

It should also be noted that headwater riparian wetlands immediately border the northern boundary of said parcel. Headwater 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 and/or waterbodies downstream. **In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural forested buffer adjacent to said wetlands in their entirety. Efforts to maximize or expand (beyond the recommended 100-foot minimum) the existing natural buffer width with native herbaceous and/or woody vegetation, is strongly recommended.**

### **ERES Waters**

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify

that all designated ERES waters and receiving tributaries develop a “pollution control strategy” to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

### **TMDLs**

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Inland Bays Watershed, reduction of nitrogen and phosphorus loading will be mandatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals will fall under the auspices of Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.”

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion of the watershed, and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion of the watershed, and requires a reduction of nitrogen and phosphorus by 40 percent. **This project is proposed within the low nutrient reduction zone.**

**In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget. He can be reached as 739-4590.**

### **Water Supply**

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

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

1. The Sussex Conservation District recommends re-locating the stormwater facility away from the wetlands to minimize impacts to sensitive areas during construction. The District recommends a 100 foot buffer between stormwater facility and wetlands line.
2. The District is concerned that volume management should be considered in this design so as not to create a flooding problem down stream. The concern is that the existing houses are very close to Lingo Branch and that volume increases could have an impact to these properties if not properly managed.
3. The District recommends preserving wooded areas as much as possible.
4. Super and reinforced silt fence will be required in all areas where significant fill is required and in any areas adjacent to wetlands. Construction sequence should be phased to minimize impacts to Lingo Creek.
5. The stormwater facilities are long and narrow. The pond configuration does not allow for the required 50-75% open water in the pond area in order to prevent mosquito breeding. Please redesign the stormwater facilities to comply with the DNREC Health and Safety Memo of 2000.

### **Forests**

According to the application, 12 out of 16 acres of forest is to be removed for this project. The site plan should be designed in a way that allows for preservation of as much of this wooded area as feasible. The proposed stormwater management ponds should be moved out of the forested area. It does not make sense to clear trees for a stormwater management pond, considering the benefit of trees in flood protection. In addition, there is adequate room to relocate the entry road to the west and out of the wooded wetlands. The applicant indicated that locating the road within this wooded wetland was not due to safety or access concerns, but rather merely 'aesthetic'. More of this forested area could be preserved by moving some of the lot lines out of the woods and maintaining a larger continuous forested open space area. Larger, connected areas of forest are more beneficial to wildlife than narrow buffer strips or small disconnected areas of forest.

Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

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**

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. Doing so will accomplish two things: it will preserve and expand the existing buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

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.

### **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 illegal 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.

### **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, parks, 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**

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 6.4 tons (12,739.6 pounds) per year of VOC (volatile organic compounds), 5.3 tons (10,547.6 pounds) per year of NOx (nitrogen oxides), 3.9 tons (7,782.2 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (692.7 pounds) per year of fine particulates and 532.8 tons (1,065,654.1 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.6 tons (5,138.5 pounds) per year of VOC (volatile organic compounds), 0.3 ton (565.4 pounds) per year of NOx (nitrogen oxides), 0.2 ton (469.2 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (605.5 pounds) per year of fine particulates and 10.4 tons (20,830.2 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.0 tons (2,036.5 pounds) per year of NOx (nitrogen oxides), 3.5 tons (7,083.6 pounds) per year of SO2 (sulfur dioxide) and 522.4 tons (1,044,823.9 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	6.4	5.3	3.9	0.3	532.8
Residential	2.6	0.3	0.2	0.3	10.4
Electrical Power		1.0	3.5		522.4
TOTAL	9.0	6.6	7.6	0.6	1065.6

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.

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.0 tons of nitrogen oxides per year and 3.5 tons of sulfur dioxide per year. A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

- building envelope upgrades,
- high performance windows,
- controlled air infiltration,
- upgraded heating and air conditioning systems,
- tight duct systems and
- upgraded water-heating equipment.”

The energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. We highly recommend this project and other residential proposals increase the energy efficiency of their homes.

**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):

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:

a. **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Bay Farm 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.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- The timber bridge shall meet DeIDOT bridge specifications to support fire apparatus.

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

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

d. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Townhouse 2-hr separation wall details shall be shown on site plans
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

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

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

Based upon a site review performed by this office (DDA), much of the forest resources identified within the application have been either removed or degraded by adjacent development activities. The DDA and the Delaware Forest Service encourages the developer to perform on site tree mitigation activities to improve the overall quality of the proposed community and the environmental resources within the area.

*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 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.

*Berm Design and Construction*

The Delaware Department of Agriculture Forest Service encourages the developer to design a landscape feature above the current county code that reflects the local topography and utilizes native trees and shrubs. A well designed berm can create an attractive feature that is welcoming to the community and will beneficial to both desired economic and environmental issues.

*Open Space Considerations*

The Delaware Department of Agriculture supports comments made by DNREC Parks & Recreation Department to allow for improved design to open space and provide areas of connectivity to both passive and open space areas within the planned community.

*Forest Buffers*

This site does have elements of riparian corridors and forest buffers along the northern and eastern edges of the property. The Delaware Department of Agriculture and the Forest Service encourages the developer to implement tree preservation practices and supports the Sussex Conservation District in their efforts to preserve trees on this site. Both agencies agree that trees should not be removed for construction of storm water management facilities. The Forest Service encourages the developer to seek the assistance of a certified arborist or certified forest to aid in this design process.

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

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

If this project lies outside the County's wastewater service territory as of October 2004, the County must update the information it filed with the Commission.

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

According to the State Strategies Map, the proposal is located in Investment Level 3 and in an environmentally sensitive area. Developments in these areas should preserve as much open space as possible while incorporating design elements that help to preserve its rural character. The proposal should also target first time homebuyers, which will help address the need for moderate priced housing affordable to low- and moderate-income families.

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

Due to the number of residential units being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County, to keep them apprised of all development activities.

The east portion of this property, off Lingo Creek, is located in the Special Flood Hazard Area inundated by the 100 and 500-year flood, (FIRM Map 485).

This area could also experience possible flooding from a category 3 or greater hurricane.

Routes 5 and 24 are coastal storm evacuation routes and this development will be affected by traffic volume on these routes during a coastal storm event.

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

The engineer needs to make sure that in final design lot sizes meet or exceed the proposed minimum of 7,500 square feet. Many lots are exactly that size and one is smaller. See lot 15.

The developer should provide the stub road access to adjacent property as requested by DelDOT. The developer could also reduce costs by shortening the circle roads and providing "eyebrows" at the corners in order to maintain the number of lots.

This project is situated in an Environmentally Sensitive Development Area. The required report should include how the PLUS comments have been addressed and how the plan has been revised accordingly.

The Sussex County Engineer Comments:

The proposed project is within the Long Neck Sanitary Sewer District and connection to the system is mandatory. There is no sewer service to the parcel at this time. However, the proposed project is within planning study and system design assumptions for sewer service. Capacity was allocated to the parcel and it was assumed the parcel would connect to a line in the Pot Nets West (aka Pot Nets Lakeside) system or pump directly to Long Neck Road through Pot Nets West. It is not clear at this point how the parcel will connect. The Sussex County Engineer must approve the connection point. Since capacity was included in design and construction of the original sewer district, capacity was not included for the parcel in a district expansion that is currently being constructed along Bay Farm Road.

If system upgrades are required, the developer, at the developer's expense, would perform them. In addition, the proposed development will require a developer installed collection system in accordance with Sussex County's standard requirements and procedures. Please note, Sussex County requires pipelines to be installed in roadways, not in the back of lots. On the projects Concept Site Plan included in the PLUS application, sewer lines are shown along the back of lots, and must be moved to roadways.

A sewer conceptual plan for the project must be submitted for review and approval.

Onetime System Connection Charges will apply. Please contact Ms. Stephanie Spicer at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Rob Davis, Sussex county Engineering Department at (302) 855-7820.

**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**

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**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: Robert W. Tunnell, Jr.