



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 13, 2005

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

RE: PLUS review – PLUS 2005-04-03; Fountains of Georgetown

Dear Mr. Christenbury:

Thank you for meeting with State agency planners on April 27, 2005 to discuss the proposed plans for the Fountains of Georgetown project to be located west of Route 113, between Little Street, East Trap Pond Road, and Route 9.

According to the information received, you are seeking an RRPC overlay to the existing UR1 and UR3 zoning to place 86 residential units and 5,000 sq. ft. of commercial on 18.83 acres.

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

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 within Investment Levels 1 and 2 according to the Strategies for State Policies and Spending and within the Town of Georgetown. State policies generally support development activities within Investment Levels 1 and 2.

Street Design and Transportation

- The State appreciates the stub street right-of-way provided for a future connection to the Massey Property to the west, but recommends that it be clearly marked as a right-of-way for that purpose. Designing it as a park area may create resistance at such time that it will be necessary to be used as a street connecting to the neighboring parcel.
- While DelDOT did not discuss it at the PLUS meeting, one of the alternative alignments being evaluated in DelDOT's US 113 North/South Study would impact the northwest corner of the subject development. Public workshops to determine which alternatives will be retained for further study will be held this summer. We anticipate holding further workshops to select an alignment during the summer of 2006.

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

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

The Office of State Planning Coordination notes that proposal is located within Investment Levels 1 and 2 according to the Strategies for State Policies and Spending and within the Town of Georgetown. State policies generally support development within Investment Levels 1 and 2.

We concur with DelDOT's suggestion that the stub street shown on the site plan be clearly marked as such on the ground when the project is constructed. Treating the stub street as a park area with benches, as discussed in the PLUS meeting, will likely cause resistance from residents when the stub street is eventually needed as a connection to the adjoining parcel

Whenever forested areas on the site will not be preserved, we suggest that you work with the Urban and Community Forest Program to develop a plan for forest mitigation on the site. For assistance with tree mitigation and landscape design on the site, please contact Bryan Hall, Urban Forester, of the Delaware Forest Service.

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

There was a surveyed historic house within this parcel, but it was demolished sometime ago (S-3204). There is a historic house (S-3202) across Trap Pond Rd. from the entrance. Beers Atlas of 1868 shows the Mrs. J. Butler House in the area, possibly towards the rear of this parcel. There is an area of high potential for prehistoric archaeological sites near what appears to be a bay basin in the fields. The State Historic Preservation Office would be happy to work with the owner/developer to see if in fact any archaeological sites are located within the parcel, and possibly to preserve them in open space.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT commends the developer's engineer for designing a plan without cul-de-sacs.
- 2) Route 9 is classified as an arterial road and Little Street and East Trap Pond Road are classified as local roads. The plan shows Route 9 as having a 70-foot wide right-of-way and the other two roads as having 50-foot wide rights-of-way. DelDOT's policy is to require dedication of sufficient land to provide minimum right-of-way widths of 40 feet from the centerline on arterial roads and 30 feet from the centerline on local roads. Therefore we will require right-of-way dedication to provide any additional widths needed from this project. The 5-foot dedications shown on the plan presented are sufficient in this regard.
- 3) DelDOT appreciates the stub street right-of-way provided for a future connection to the Massey Property to the west, but recommend that it be clearly marked as a right-of-way for that purpose. To do otherwise encourages opposition from residents when the developer of the Massey property proposes to make the connection. For this reason, it may be better to pave the stub street during the street construction for the subject development.
- 4) While DelDOT did not discuss it at the PLUS meeting, one of the alternative alignments being evaluated in DelDOT's US 113 North/South Study would impact the northwest corner of the subject development. Public workshops to determine which alternatives will be retained for further study will be held this summer. They anticipate holding further workshops to select an alignment during the summer of 2006.
- 5) The developer's site engineer should maintain contact with the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding the 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**

Soils

According to the Sussex County soil survey, Evesboro, Kalmia, Fallsington, and Pocomoke were mapped in the immediate vicinity of the proposed construction. Evesboro is an excessively well-drained upland soil that has moderate development limitations on account of its rapid permeability. Fallsington is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development. Pocomoke is very poorly-drained wetland associated (**hydric**) soil that has the highest severity level for development.

Wetlands

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils, as they are subject to regulatory provisions of the Federal Clean Water Act 404 program governing jurisdictional wetlands. **Therefore, a wetlands delineation is strongly recommended before commencing this development.**

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses (including ditches). In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation. **A 100-foot minimum isolation distance should be maintained from all stormwater ponds.**

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters (Broad Creek & Nanticoke River) 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 Broad Creek and Nanticoke River drainages of 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.

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. Please submit a sediment control and stormwater management plan to the Sussex Conservation District for review. No construction (i.e. clearing, filling, grading, etc.) shall take place on-site until a sediment control and stormwater management plan has been approved by the Conservation District.
2. Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after.
3. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.
4. During the design of the stormwater management facility please note that both stormwater quantity and quality must be addressed.
5. If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
6. Specify First Floor elevations for all lots.
7. All ponds are required to be constructed per pond code 378.
8. Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.
9. Due to the proximity to sensitive areas, the Conservation District will require reinforced and super silt fence to adequately protect wetland areas during the construction of the site.

10. If this project is located within a tax ditch watershed or discharges to a tax ditch, SCD requires an approval letter from DNREC Drainage Section, prior to issuing Sediment and Stormwater approval.
11. Please contact the Conservation District when design of stormwater management facility is initiated, as we would like to work closely with you in its design.

Open Space

In many cases, large open space areas abutting back yards are not well used by the community and are expensive to maintain. 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.

Nuisance Waterfowl

The stormwater management pond in the site plan may attract waterfowl like resident Canada geese. The proposed fountains will not deter geese and may in fact attract them to the pond. 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. Short manicured grasses around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, property managers or owners 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.

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 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.

Underground Storage Tanks

There are no LUST sites 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. 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.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to estimate the amount of solid waste that will be generated as a result of construction and occupancy.

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.

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.

Once complete, vehicle emissions associated with this project are estimated be 6.6 tons (13,200.1 pounds) per year of VOC (volatile organic compounds), 5.5 tons (10,928.8 pounds) per year of NOx (nitrogen oxides), 4.0 tons (8,063.5 pounds) per year of SO2 (sulfur dioxide), 0.4 ton (717.8 pounds) per year of fine particulates and 552.1 tons (1,104,171.8 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated be 2.7 tons (5,324.2 pounds) per year of VOC (volatile organic compounds), 0.3 ton (585.8 pounds) per year of NOx (nitrogen oxides), 0.2 ton (486.2 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (627.4 pounds) per year of fine particulates and 10.8 tons (21,583.1 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.1 tons (2,110.1 pounds) per year of NOx (nitrogen oxides), 3.7 tons (7,339.6 pounds) per year of SO2 (sulfur dioxide) and 541.3 tons (1,082,588.6 pounds) per year of CO2 (carbon dioxide).

| | VOC | NOx | SO ₂ | PM _{2.5} | CO ₂ |
|------------------|-----|-----|-----------------|-------------------|-----------------|
| Mobile | 6.6 | 5.5 | 4.0 | 0.4 | 552.1 |
| Residential | 2.7 | 0.3 | 0.2 | 0.3 | 10.8 |
| Electrical Power | | 1.1 | 3.7 | | 541.3 |
| TOTAL | 9.3 | 6.9 | 7.9 | 0.7 | 1104.2 |

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.1 tons of nitrogen oxides per year and 3.7 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 DNREC 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 development 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):

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 and Apartments)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.

- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

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 Little Street and East Trap Pond 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.

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

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

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered

- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

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

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Department of Agriculture and the Delaware Forest Service has no objections to this site at this time; however, the Delaware Forest Service encourages the developer to contact them if they have any questions concerning tree selection and tree preservation activities within the 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.

Delaware State Housing Authority – Contact Karen Horton 739-4263

While the prices of the units are not known at this time, DSHA encourages the applicant to include prices that are affordable to low- and moderate-income households. This proposal is in the Georgetown County Census Division (CCD), which has serious housing needs. The 2003 Statewide Housing Needs Assessment indicates that of the 3,514 occupied housing units in this CCD, 236 are substantially substandard, and 1,349 are occupied by low-income households earning less than 80 percent of the area median income (\$44,100 for a family of four in Sussex County). In addition, this area is experiencing rapid price increases. Real estate data collected by DSHA indicates that in the fourth quarter of 2004, the median housing price for this area was \$250,000 - which is outside the affordability level of low- and moderate-income households. The provision of units affordable to low- and moderate-income households will help address the area's significant needs.

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

Due to the number of residential units and the 5,000 sq. ft. commercial 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 the Town of Georgetown or this portion of Sussex County, to keep them apprised of all development activities. Routes 18, 20, and 113 are coastal storm evacuation routes

and this development will be affected by traffic volume on these routes during a coastal storm event.

Department of Education – Contact: Nick Vacirca 739-4658

86 dwelling units could generate an estimated 43 additional students for the Indian River School District. Sussex County does not have school concurrence legislation at this time. We recommend that the developer submit a package to the school district for informational purposes.

If the development is approved and built, please use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around (without backing) from the furthest areas within the development while picking up and dropping off students. Should there not be any sites more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be included. The developer should work closely with the school district transportation supervisor.

Sussex County – Contact Richard Kautz 855-7878

The Town should protect adjacent residential property by requiring landscaped visual and sound buffers between parking spaces and adjacent lots.

The recreational vehicle and boat parking and the higher density units should be located within the development as they are not compatible with adjacent residential lots.

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,


Constance C. Holland, AICP
Director

CC: Town of Georgetown