



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 24, 2005

Ms. Jessica Nichols
Meridian Architects and Engineers
26412 Broadkill Road
Milton, DE 19968

RE: PLUS review – PLUS 2005-04-05; Windmill Estates

Dear Ms. Nichols:

Thank you for meeting with State agency planners on May 4, 2005 to discuss the proposed plans for the Windmill Estates project to be located on the South Side of SCR 64, near Delmar.

According to the information received, you are seeking site plan approval for 214 units on 161 acres located in an Investment Level 4 area according to the Strategies for State Policies and Spending, and in the Low Density area according to Sussex County's comprehensive plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

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 proposed project is located in an Investment Level 4 area according to the Strategies for State Policies and Spending and in the Low Density area according to the Sussex Comprehensive Plan. State policies support agricultural preservation and natural resource protection in these areas, not residential development. Because it is located outside of an area where the State and local governments have planned for growth, the State opposes this proposal.

Street Design and Transportation

DelDOT will require a traffic impact study for this development unless there is some written guarantee that no further development will be proposed on the subject land

Natural and Cultural Resources

- 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).
- A 100-foot minimum isolation distance should be also be maintained from all stormwater ponds.
- Portions of the site are within the 100-year floodplain. If any lots are located in the floodplain, a detailed flood study must be performed to calculate base flood elevations and delineate the floodplain properly. Alternately, the floodplain may be preserved as open space, in common areas.
- According to the application, 4.5 acres out of 20 will be cleared for infrastructure and the footprint of any structures. In reality, once this site is built out, a larger percentage of forest will have been cleared. Subsequent landowner activities will also result in additional clearing of forest. Although an entry road stemming from Whitesville Road is necessary for the development, it is not necessary to have lots within the forest along this road. It is recommended that these lots and others within the forested area be relocated or removed from the site plan and the forest be designated as open space. Please note that the existing forest within the southern boundary of the project is not in the site plan and presumed to be left intact.

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

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

The proposed project is located in an Investment Level 4 area according to the Strategies for State Policies and Spending and in the Low Density area according to the Sussex Comprehensive Plan. State policies support agricultural preservation and natural resource protection in these areas, not residential development. Because it is located outside of an area where the State and local governments have planned for growth, the State opposes this proposal.

Because this proposal is in an Investment Level 4 area, the State has no plans to invest in infrastructure upgrades or additional services. New residents in this proposed development will need access to such services and infrastructure as schools, police, and transportation. The State government funds 100 percent of the school transportation and the paratransit services in the State, and development in an area remote from existing infrastructure and services will put a strain on the State's fiscal resources.

As designed, the proposal shows the open space almost entirely disconnected from the development, appearing more as an adjacent parcel than a part of the proposed community. If the proposal moves forward, we suggest redesigning it to create a design that preserves natural resources on the site and incorporates open space as a part of the community, rather than an adjacent feature.

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

Nothing is known within this parcel. It is adjacent to five historic farmsteads. Beers Atlas of 1868 shows the J. Morris House and a mill pond within this parcel. There is medium potential for a prehistoric archaeological site in the area of the mill pond, but only low potential elsewhere. The State Historic Preservation Office requests that the developer maintain as much of the woods as possible, to block the view of this development from the farmsteads. This would also protect the mill pond area and probably portions of any prehistoric site. Also they would be happy to work with the developer to locate any sites within the areas to be disturbed by construction and perhaps look at ways to preserve any important sites found within open space.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Because the development is proposed for a Level 4 Area, it is inconsistent with the Strategies for State Policies and Spending. Because the development is inconsistent with the Strategies for State Policies and Spending and located in a highest value agriculture area, DelDOT's road improvements in this area will be limited to safety improvements and maintenance. Any improvements needed to support this development will be the developer's responsibility. The comments that follow are technical, and are not intended to suggest that DelDOT supports this development proposal.

- 1) The plan presented does not show a specific layout for the south part of the property. DelDOT reviewers can see that open space, stormwater management and wastewater management are proposed uses, but they can also see that a stub street is proposed, suggesting the possibility of additional building lots in a later phase. The number of lots currently proposed is 214, which would mean that the site's expected average daily traffic (ADT) volume would be just under DelDOT's residential ADT warrant for a traffic impact study. DelDOT will require a traffic impact study for this development unless there is some written guarantee that no further development will be proposed on the subject land. Because these studies typically take 6 to 12 months from their initial scoping meeting to the completion of DelDOT's review, it is recommended that the developer have their traffic engineer contact Mr. Todd Sammons the Development Coordination Section as soon as possible to obtain a scope for this study. Mr. Sammons may be reached at (302) 760-2134.
- 2) Whitesville Road is classified as a collector road and Brittingham Road is classified as a local road. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. Collector roads generally have somewhat wider rights-of-way. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads and 30 feet from the centerline on local roads. Therefore we will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 3) DelDOT will also require that a multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site on both roads. Recognizing that the frontage is limited and that initially the paths would serve no purpose, DelDOT does not require that the paths be paved. However, they will require that any necessary drainage and earthwork be completed such that when the surrounding properties develop there will be no need for a State investment to complete the path along the frontage of this property.
- 4) It is recommended that stub streets be provided to the J. William Harrington, Jr. Property, the James Alfred & Mary Ann Melvin Property and the O. Kenneth & Carolyn Scheller Property.
- 5) The developer should consider adding a street connection to Brittingham Road to provide an alternative means of access to the development if the south part of the property is to be developed. Regardless of whether the south part would be developed, if there are no constraints that would prevent it, the developer should provide bicycle and pedestrian access to Brittingham Road.

- 6) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their 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, Woodstown, Fallsington and Johnston were mapped in the immediate vicinity of the proposed construction. 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 uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development. Johnston is a very poorly-drained wetland associated (**hydric**) soil that is considered to have the highest level of severity for development.

Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine forested riparian wetlands border the northwestern portion of subject site. However, the soil survey indicates that potential wetlands may also be present along the southern boundary of this parcel.

Because there is strong evidence that federally regulated wetlands exist on site, a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified by the Corps of Engineers through the Jurisdictional Determination process.

Impacts to wetlands should be avoided to the maximum extent practicable. Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Lots should be removed in their entirety from the wetland, wetland buffers and the forested areas. 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.

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 also be maintained from all stormwater ponds.

Impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act; impacts to tidal wetlands are also regulated by the DNREC Division of Water Resources, Wetlands and Subaqueous Lands Section. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the Wetlands and Subaqueous Lands 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.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It is 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.

It should be noted that this parcel borders or contains headwater riparian wetlands associated with a tributary that eventually drains to the environmentally-sensitive Chesapeake Bay. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system and/or waterbodies (Inland Bays) further downstream. **In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural buffer in its entirety.** 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.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters (Broad Creek or 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."

Since the TMDL for the Broad Creek and Nanticoke mandates reducing nutrient loading to the greater Chesapeake Bay watershed, significant nitrogen and phosphorus loading must be realized from all sources including onsite/community wastewater systems. The Department has developed performance standards based on research by Departmental staff and Dr. Mike Hoover (North Carolina State University) for on-site wastewater treatment and disposal systems. Due to the size of a development's system, the performance standard dictates that the effluent concentration levels can not exceed average annual nitrogen and phosphorus concentration levels of 5 and 2 mg/l, respectively. The phosphorus standard only applies when applicable.

The applicant should keep in mind that the Department considers the inclusion of stormwater management and/or wastewater treatment areas as an inappropriate/inaccurate metric for open space calculations. Using the open space as the applicant currently proposes will underestimate the calculated TMDL nutrient loading rates.

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.

Water Supply

The project information sheets state that water will be provided to the project by a central public water system. Our records indicate that the project site is not located in an area where public water service is available. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

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. Please demonstrate to the Conservation District that you have an adequate outfall for the proposed stormwater facilities.
10. A CCR is required for this development since the gross acreage for the project exceeds 50 acres.
11. Please verify whether this project is located within a tax ditch watershed.
12. 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.
13. Please contact the Conservation District when design of stormwater management facility is initiated, as they would like to work closely with you in its design.

Floodplains

Portions of the site are within the 100-year floodplain. If any lots are located in the floodplain, a detailed flood study must be performed to calculate base flood elevations and delineate the floodplain properly. Preferably, the floodplain should be preserved as open space, in common areas.

Potential Hunting Issue

Because the project parcels are 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 not buffer between lot lines and the adjacent property line.

Nuisance Waterfowl

Stormwater management ponds may attract waterfowl like resident Canada geese and mute swans. 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.

Forests

The site plan should be designed in a way that allows for greater preservation of the forest on this parcel. According to the application, 4.5 acres out of 20 will be cleared for infrastructure and the footprint of any structures. In reality, once this site is built out, a larger percentage of forest will have been cleared. Subsequent landowner activities will also result in additional clearing of forest. Although an entry road stemming from Whitesville Road is necessary for the development, it is not necessary to have lots within the forest along this road. It is recommended that these lots and others within the forested area be relocated or removed from the site plan and the forest be designated as open space. Please note that the existing forest within the southern boundary of the project is not in the site plan and presumed to be left intact.

The forest on this parcel is part of a larger forest block and 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.

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 to be 16.4 tons (32,846.8 pounds) per year of VOC (volatile organic compounds), 13.6 tons (27,194.9 pounds) per year of NO_x (nitrogen oxides), 10.0 tons (20,064.9 pounds) per year of SO₂ (sulfur dioxide), 0.9 ton (1,786.1 pounds) per year of fine particulates and 1,373.8 tons (2,747,590.2 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 6.6 tons (13,248.6 pounds) per year of VOC (volatile organic compounds), 0.7 ton (1,457.7 pounds) per year of NO_x (nitrogen oxides), 0.6 ton (1,209.7 pounds) per year of SO₂ (sulfur dioxide), 0.8 ton (1,561.1 pounds) per year of fine particulates and 26.9 tons (53,706.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 2.6 tons (5,250.8 pounds) per year of NO_x (nitrogen oxides), 9.1 tons (18,263.6 pounds) per year of SO₂ (sulfur dioxide) and 1,346.9 tons (2,693,883.4 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	16.4	13.6	10.0	0.9	1373.8
Residential	6.6	0.7	0.6	0.8	26.9
Electrical Power		2.6	9.1		1346.9
TOTAL	23.0	16.9	19.7	1.7	2747.6

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 2.6 tons of nitrogen oxides per year and 9.1 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 development and other residential proposals increase the energy efficiency of their homes.

State Fire Marshal’s Office – Contact: Duane Fox 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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage)
 - 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 of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Whitesville 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

Overall Comments

The Delaware Department of Agriculture and the Delaware Forest Service object to development of this parcel, located in a Level 4 area. Level 4 areas have been designated for environmental and agricultural conservation/preservation. This development as proposed will lessen the value of the environmental resources found within and adjacent to this site. DDA believes this subdivision would be better suited in another location. The Delaware Department of Agriculture offers its services to the developer in the re-design of this project, to learn more please contact our office at (302) 698-4500.

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. DFS also encourages conservation of the forested areas present at this site, and preservation wherever possible. 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.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project is not within a certificated area for water, and the application notes central community system. Should the developer seek water service from a public utility, the utility will need to apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Additional requirements apply if the water service provider is a new water facility.

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

The project is not within a certificated area for wastewater, and the application notes “central (community system).” Should the developer seek wastewater services from a non-governmental entity, and there would be 50 or more customers served, the provider will need to apply to the Commission for a Certificate of Public Convenience and Necessity. Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission.

Delaware State Housing Authority – Contact Karen Horton 739-4263

According to the *State Strategies Map*, the proposal is located in an Investment Level 4 area and outside the growth zone. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as Investment Level 1 and 2 areas outlined in the *State Strategies Map*. The proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State would like to see new residential development.

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

Due to the large number of residential units being proposed and its location in an Investment Level 4 Area, 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 this portion of Sussex County, to keep them apprised of all development activities. The northeast portion of this property is located in the Special Flood Hazard Area inundated by the 100-year flood, (FIRM Map 600).

Department of Education – Contact: Nick Vacirca 739-4658

214 dwelling units could generate an estimated 107 additional students for the Delmar School District. Sussex County does not have school concurrence legislation at this time. It is recommended 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 project as designed incorporates very little of the proposed open space within the development. Almost all is on along the north edge, including 2.17 acres across a major thoroughfare, and to the south of the homesites.

Because this project is an AR-1 Cluster subdivision, the developer must include in the application a plan for the management of all open space. Also, the developer must document for the Planning and Zoning Commission how the proposed development: provides for a total environment and design which are superior to that which would be allowed under the standard lot option; preserves the natural environment and historic or archeological resources; and, will not have an adverse effect on any of the items included under Ordinance Number 1152 (County Code 99-9C). These issues can be addressed by including in the application an explanation of how the developer plans to mitigate the issues raised by the State agencies.

This summer Sussex County will be considering implementation of a Source Water Protection Program required by the State. Depending on the requirements adopted by the County Council this project might be affected. Any well location should insure that the wellhead protection area is entirely on site.

The Sussex County Engineer Comments:

The proposed project is not within the boundaries of any Sussex County Engineering Department planning areas. Sewer plans for the community system to include the treatment plant must be submitted to the Sussex County Engineering Department for review and approval. Please note that review fees may apply.

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For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

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". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director

CC: Sussex County