



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 26, 2005

Mr. Jeff Clark
Land Tech Land Planning, LLC
118 Atlantic Avenue, Suite 101
Ocean View, DE 19975

RE: PLUS REVIEW PLUS 2005-04-07; Blackwater Creek Westfarm
PLUS 2005-04-08; Blackwater Creek Northfarm
PLUS 2005-04-19; Blackwater Creek Southfarm

Dear Mr. Clark

Thank you for meeting with State agency planners on May 4, 2005 to discuss proposed plans for the Blackwater Creek project to be located west of Delmar on both sides of Route 54.

This project includes 1,762 residential units, a golf course, and 20,000 square feet of commercial space on 727 acres west of Delmar. It has been separated into three sites:

2005-04-07 – Blackwater Creek Westfarm is a rezoning request from GR to GR-RPC for 1,014 residential units.

2005-04-08 – Blackwater Creek Northfarm is a rezoning from AR to MR-RPC and C-1 for a mixed-use subdivision with 348 residential units, 20,000 square feet of commercial space, and a golf course.

2005-04-08 – Blackwater Creek Southfarm is a site plan review for 400 residential units.

This proposal is located in Investment Level 4 according to the Strategies for State Policies and Spending, and is in the Low Density area according to the Sussex County 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.

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

EXECUTIVE SUMMARY

The following section includes 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. **The applicant is responsible for 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 County 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.

We are particularly concerned that the 1,762 unit project is larger than many existing towns in Sussex County. The project as proposed is likely to bring more than 4,000 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. State government funds 100 percent of school transportation and paratransit services, and large-scale development in areas removed from existing infrastructure strains the State's fiscal resources.

For Northfarm, the proposed zoning of MR and C-1 is inconsistent with the certified Sussex County Comprehensive Plan. Table 12 on page 25 of the Sussex County Comprehensive Plan Update (January 1, 2003) lists applicable zoning districts for land-use categories. The applicable zoning districts under the Low Density category are AR-1 (Agricultural Residential) and B-1 (Neighborhood Business).

Street Design and Transportation

Westfarm

- The concept plan shows a stub street leading south into Maryland. At the PLUS meeting, the stub was explained as an error. However, if there is a potential for development on the adjoining parcel, we recommend that the stub be provided.
- DelDOT recommends that a stub street be provided to the adjoining parcel to the west of the site north of Blackwater Creek.
- The concept plan shows a relatively long cul-de-sac near the northeast corner of the site serving 23 single-family detached houses. DelDOT recommends that the street be extended and connected to the adjacent multifamily part of the development.

Northfarm

- Access should be provided on Providence Church Road in addition to the access on Route 54 to provide an alternative means of access to the site.
- A stub street should be provided to the adjoining parcel to the east of the site.
- For the Route 54 right-of-way between the proposed B-1 and C-1 commercial areas, DelDOT will require a 20-foot minimum buffer between the ultimate right-of-way and the top of slope of the pond.

Natural and Cultural Resource

General

- Because there is strong evidence that federally regulated wetlands exist on the site, a wetlands delineation should be conducted in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1). This delineation should be verified by the Corps of Engineers through the Jurisdictional Determination process. It is understood from the PLUS application and discussion at the meeting that a wetlands delineation is underway.
- 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).
- It is recommended that stormwater management pond(s) be located least 100 feet from all wetlands and/or streams.

Westfarm

- This parcel borders or contains headwater riparian wetlands associated with the Blackwater Creek tributary that drains to the environmentally-sensitive Chesapeake Bay. In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural buffer in its entirety.
- According to aerial surveys and recent reports, there may be bald eagle nesting activity within the project area. This must be confirmed, as these nesting areas retain protection under the federal Endangered Species Act. Please contact the program zoologist, Kitt Heckscher, at (302) 653-2880 for more information and to arrange a site visit.
- According to the application, 75 of 112 forested acres are to be cleared. When site is built out, a larger percentage of forest will have been cleared due to subsequent clearing by landowners. Because this project is in the Level 4 area, the site plan should be modified to allow for greater preservation of the forest. This can be accomplished by relocating lots in the forested area to the north which is already cleared.

The following is a compilation 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 County 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.

We are particularly concerned that the 1,762 unit project is larger than many existing towns in Sussex County. The project as proposed is likely to bring more than 4,000 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. State government funds 100 percent of school transportation and paratransit services, and large-scale development in areas removed from existing infrastructure strains the State's fiscal resources.

For Northfarm, the proposed zoning of MR and C-1 is inconsistent with the certified Sussex County Comprehensive Plan. Table 12 on page 25 of the Sussex County Comprehensive Plan Update (January 1, 2003) lists applicable zoning districts for land-use categories. The applicable zoning districts under the Low Density category are AR-1 (Agricultural Residential) and B-1 (Neighborhood Business).

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

Westfarm

Nothing is known of this parcel, and there are no historic properties adjacent to it. Beers Atlas of 1868 shows the Mrs. Waller House on the parcel. While overall prehistoric archaeological site potential is low, there are a few small areas of medium and high potential located around wet areas in the field and woods. The State Historic Preservation Office would be happy to work with the developer to locate any sites within the areas to be disturbed by construction and identify ways to preserve any important sites found within open space.

Northfarm

There is a historic farmstead located within this parcel (S-8540). The southeastern corner is adjacent to another historic house (S-6663). It appears that the woods are outside of this parcel and will help block the view of the development from the historic house, but some additional landscaping on this corner would be desirable. Beers Atlas of 1868 shows two tenant houses belonging to E.M. Lowe and a store within the parcel. In addition, there are large areas of high potential for prehistoric archaeological sites in the middle and on the east side of the parcel. The State Historic Preservation would be happy to discuss ways of keeping the historic farmhouse within the development. If the farmstead must be demolished, they request the opportunity to document the house and outbuildings prior to any demolition. They would also be happy to work with the developer to locate any sites within the areas to be disturbed by construction and identify ways to preserve any important sites found within open space.

Southfarm

There is nothing known within this parcel. The northeast corner is immediately adjacent to a historic house (S-6663). It appears that the woods are outside of this parcel and will substantially block the view of the development from the historic house. Beers Atlas of 1868 shows the E.M. Lowe House, the J.W. Kinney House, and the E.W.K. House within this parcel. There is a large area of high potential for prehistoric archaeological sites in the middle of this parcel. The State Historic Preservation Office would be happy to work with the developer to locate any sites within the areas to be disturbed by construction and identify ways to preserve any important sites found within open space.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Blackwater Creek – General Comments

Because the three development projects are proposed for the Level 4 Area, they are inconsistent with the Strategies for State Policies and Spending. Significant infrastructure improvements will be required in an area comprised largely of forested and

agricultural land and designated as Low Density in the Sussex County Comprehensive Plan. Importantly, these three projects do not provide the necessary core of traditional town centers, which would retain internal trips. There is also little connectivity or physical interrelationship between the three sites. This type of development in this location is very inefficient in respect to the provision of public services.

Because the development is inconsistent with the Strategies for State Policies and Spending, 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) DelDOT has required a traffic impact study for this development. The scope of that study was set in August 2004. At that time, no site plans had been developed, the commercial and golf course developments were unknown to DelDOT, and no rezonings were proposed. Given that the development proposal has changed, it will be necessary to revise the scope of the study so that they can better advise the County regarding the decisions that will be before them. It is recommended that the developer have their traffic engineer contact Mr. Todd Sammons of our Development Coordination Section as soon as possible to discuss revisions to the scope for this study. Mr. Sammons may be reached at (302) 760-2134.
- 2) While DelDOT's comments herein address access and drainage in general terms, the developer's engineer should contact the Subdivision Manager for Sussex County, Mr. John Fiori, regarding their specific requirements. Mr. Fiori may be reached at (302) 760-2260.
- 3) West Line Road is classified as a local road. Route 54 and Providence Church Road, south of Route 54, are both classified as minor arterial roads. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. Arterial and 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 30 feet from the centerline on local roads and 40 feet from the centerline on collector and minor arterial roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 4) DelDOT will also require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site.

Westfarm

- 1) According to the response to Item 37 on the PLUS form, Providence Church Road is 20 feet wide and has no shoulders. Apart from any capacity-related improvements that might be identified in the TIS, the developer should expect to

- be required to improve Providence Church Road to meet DelDOT's minor arterial road standards (12-foot lanes and 10-foot shoulders, right-of-way permitting) from Route 54 to the state line.
- 2) The concept plan shows a stub street leading south into Maryland. At the PLUS meeting, the stub was explained as an error. However, if there is a potential for development on the adjoining parcel, we recommend that the stub be provided.
 - 3) DelDOT recommends that a stub street be provided to the adjoining parcel to the west of the site north of Blackwater Creek. One way to do that might be to extend the proposed cul-de-sac, but from aerial photography it appears that the stub would be more usable if it were placed at the northwest corner of the site.
 - 4) The concept plan shows a relatively long cul-de-sac near the northeast corner of the site serving 23 single-family detached houses. We recommend that the street be extended and connected to the adjacent multifamily part of the development.

Northfarm

- 1) According to the response to Item 37 on the PLUS form, Providence Church Road is 20 feet wide and has no shoulders. Apart from any capacity-related improvements that might be identified in the TIS, the developer should expect to be required to improve Providence Church Road to meet DelDOT's local road standards (11-foot lanes and 5-foot shoulders, right-of-way permitting) from Route 54 to Mockingbird Creek.
- 2) It is recommended that access be provided on Providence Church Road in addition to the access on Route 54 to provide an alternative means of access to the site.
- 3) In response to a question from the developer's representative regarding access to the wastewater treatment facility from Providence Church Road, you should contact Mr. Fiori to discuss the matter.
- 4) In response to a question from Sussex County, it may be reasonable to serve the C-1 parcel wholly or partially through the subdivision street system. Such a connection would be desirable in that it could provide residents with access to the commercial development from within their parcel and minimize the impact of the commercial traffic on the operation of the Route 54/Providence Church Road intersection. Challenges to be overcome would include preventing cut-through traffic in the commercial area from residents using the commercial access as an alternative entrance to the residential area, and mitigating the impact of commercial traffic through the residential area. The developer's engineer should work with Mr. Fiori to establish an initial set of assumptions about access that can

- be used in the TIS. If they, in conducting the TIS, or we, in reviewing it, find that those assumptions should be changed, that can be done.
- 5) It is recommended that a stub street be provided to the adjoining parcel to the east of the site.
 - 6) There is a pond proposed near the Route 54 right-of-way between the proposed B-1 and C-1 commercial areas. DelDOT will require a 20-foot minimum buffer between the ultimate right-of-way and the top of slope of the pond. It is recommended that it be located further from the road. The runoff from the site must be managed and if the developers' engineer submits calculations, demonstrating to our satisfaction that the rate and volume of the post-development runoff would not exceed the rate and volume of the pre-development runoff, then discharge to the roadside ditch will be permitted.

Southfarm

- 1) According to the response to Item 37 on the PLUS form, Providence Church Road is 20 feet wide, West Line Road is 18 feet wide, and both roads lack shoulders. Apart from any capacity-related improvements that might be identified in the TIS, the developer should expect to be required to improve Providence Church Road to meet DelDOT's minor arterial road standards (12-foot lanes and 10-foot shoulders, right-of-way permitting) from Route 54 to the state line. Further, they should expect to be required to improve West Line Road to meet DelDOT's local road standards (11-foot lanes and 5-foot shoulders, right-of-way permitting) from Providence Church Road to Old Racetrack Road.

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

Blackwater Creek-General Comments

Because there is strong evidence that federally regulated wetlands exist, 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 entirely removed from the wetland, wetland buffers and 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.

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 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 been 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 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.

It should be noted that this proposal borders or contains headwater riparian wetlands associated with the Blackwater Creek tributary that 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 (Chesapeake Bay) 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.

General Comments-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). BMPs, as defined in subsection 11.5(e) of this section, expressly authorize DNREC 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.

General Comments-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 uses 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 desired use goals. The jurisdictional authority for attaining these use goals falls under Section 11.5 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 on-site/community wastewater systems. DNREC, along with Dr. Mike Hoover of North Carolina State University, has developed performance standards 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.

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 of the Watershed Assessment Section, (302) 739-4590, 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.

General Comments-Water Supply

If dewatering points are 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 permit applications must be prepared and signed by licensed water well contractors and only licensed drillers may construct the wells. It is necessary to factor in 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.

General Comments-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 (clearing, filling, grading, etc.) shall take place on-site until a sediment control and stormwater management plan has been approved by the District. Please indicate on the plan who shall be responsible for maintenance of stormwater management facilities during and after construction.
- 2) Consideration should be made for maintenance (access, easements, etc.) of any structures or facilities during the design of the sediment control and stormwater management plan.
- 3) Both stormwater quantity and quality must be addressed in the design of the stormwater management facility.
- 4) If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3,600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

- 5) Specify first floor elevations for all lots.
- 6) All ponds are required to be constructed per pond code 378.
- 7) A permit must be provided to the District prior to receiving approval for stormwater facilities that impact wetlands.
- 8) Demonstrate an adequate outfall for proposed stormwater facilities.
- 9) A CCR is required for this development since the project exceeds 50 gross acres.
- 10) Verify whether the project is located within a tax ditch watershed.
- 11) The Conservation District will require reinforced and super silt fence to adequately protect wetland areas during the construction of the site due to the proximity to sensitive areas,
- 12) Contact the Conservation District when the design of the stormwater management facility is initiated, as they would like to work closely with you in its design.

General Comments-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 its impact 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.

Westfarm-Soils

According to the Sussex County soil survey the Evesboro, Klej, Woodstown, Kenansville, Fallsington, Johnston soils and borrow pits 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. Klej and Woodstown are both moderately well-drained soils of low-lying uplands that have 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) floodplain soil that is considered to have the highest level of severity for development. Borrow pits are soil mapping units that have been extensively modified by excavating activities, and are likely to have highly spatially-variable seasonal high water table depths.

Westfarm-Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine forested/scrub-shrub riparian wetlands bisect the lower one-third of subject parcel. Scattered palustrine emergent and palustrine unconsolidated bottom wetlands were also found, mostly adjacent to the riparian wetlands.

DNREC encourages the applicant reduce the amount and size of pond(s) on this parcel unless they are specifically designed for stormwater management. It is strongly recommended that stormwater management pond(s) be at least 100 feet away from all wetlands and/or streams.

Westfarm-TMDLs

This project is proposed within the Nanticoke subwatershed TMDL nutrient reduction zone. The applicant's plan to remove most of the existing forest cover (over 65%) will severely reduce the possibility for attaining the required TMDL loading rate for phosphorus. As mentioned previously, it is strongly recommended, and may in fact be required, that the applicant consider redesigning the subdivision with greater emphasis on the retention of native forest cover. Based on a review of numerous sources of peer-reviewed research, there is almost always a large spike in sediment-bound phosphorus following forest clearing activities.

Westfarm-Rare/Threatened/Endangered Species

According to aerial surveys and recent reports, there may be bald eagle nesting activity within the project area. This must be confirmed, as these nesting areas retain protection under the federal Endangered Species Act. Please contact the program zoologist, Kitt Heckscher, at (302) 653-2880 for more information and to arrange a site visit.

Westfarm-Potential Hunting Issue

Because the 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. An adjacent landowner could potentially lose 100 yards of property for hunting if a buffer between lot lines and the adjacent property line is not provided.

Westfarm-Nuisance Waterfowl

Stormwater management ponds may attract waterfowl such as 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. It is recommended that native plantings of tall grasses, wildflowers, shrubs, and

trees be included at the edge and within a buffer area around the perimeter. Waterfowl do not feel safe when they cannot 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, geese problems can be minimized with proper landscaping, monitoring, and other techniques.

Westfarm-Forests

According to the application, 75 of 112 forested acres are to be cleared. When site is built out, a larger percentage of forest will have been cleared due to subsequent clearing by landowners. Because this project is in the Level 4 area, the site plan should be modified to allow for greater preservation of the forest. This can be accomplished by relocating lots in the forested area to the north which is already cleared.

Over 5,000 acres of forest have been lost in Delaware since 1990, leading to a corresponding loss of forest dependent species. The current project design fragments forest in small disconnected areas; however, larger connected areas of forest are more beneficial to wildlife. Forest fragmentation separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest-dwelling species vulnerable to predation and allow the infiltration of invasive species.

Westfarm-Air Quality

Air pollution threatens the health of human beings and other species. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health problems, 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 premature death. Air pollution also have effects aquatic life, vegetation, and animals.

DNREC asks local jurisdictions to mitigate to resolve this issue. Mitigation involves limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy-efficient homes which lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

Annual vehicle emissions associated with this project at completion estimated to be 77.8 tons of VOC (volatile organic compounds), 64.4 tons of NOx (nitrogen oxides), 47.5 tons of SO₂ (sulfur dioxide), 4.2 tons of fine particulates, and 6,509.5 tons of CO₂ (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 31.4 tons of VOC (volatile organic compounds), 3.5 tons of NOx (nitrogen oxides), 2.9 tons of SO2 (sulfur dioxide), 3.7 ton of fine particulates and 127.2 tons of CO2 (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 12.4 tons of NOx (nitrogen oxides), 43.3 tons of SO2 (sulfur dioxide) and 6,382.2 tons of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	77.8	64.4	47.5	4.2	6509.5
Residential	31.4	3.5	2.9	3.7	127.2
Electrical Power		12.4	43.3		6382.2
TOTAL	109.2	80.3	93.7	7.9	13018.9

For this project, the electrical usage via electric power plant generation alone will produce an additional 12.4 tons of nitrogen oxides and 43.3 tons of sulfur dioxide per year.

A significant method to mitigate impacts of Blackwater Westfarm, Northfarm and Southfarm would be the construction of Energy Star qualified homes. Every percentage of increased energy efficiency translates into a pollution reduction. Quoting from 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.”

DNREC’s Energy Office is in the process of training builders to makes 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 team identify means to increase the energy efficiency of their product.

Northfarm-Soils

According to the Sussex County soil survey the Kenansville, Evesboro, Klej, Woodstown, Matawan, Fallsington, and Pocomoke soils were mapped in the immediate vicinity of the proposed construction. Kenansville is a well-drained upland soil that generally has few limitations for development. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Klej, Woodstown, and Matawan are moderately well-drained soils of low-lying uplands that have 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) floodplain soil that is considered to have the highest level of severity for development.

Northfarm-Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine forested wetlands are found in and adjacent to subject parcel.

The Department encourages the applicant reduce the amount and size of pond(s) on this parcel unless they are specifically designed for stormwater management. Further it is also strongly recommended that Stormwater management pond(s) be at least 100 feet away from all wetlands and/or streams.

This parcel borders or contains headwater riparian wetlands associated with a tributary(s) or drainage ditches which ultimately drain into the environmentally-sensitive Chesapeake Bay. Headwater riparian wetlands are important for the protection of water quality and the maintenance/integrity of ecological functions throughout the length of the stream, including the floodplain system and/or waterbodies (i.e., Chesapeake Bay) 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.

Northfarm-Air Quality

Air pollution threatens the health of human beings and other species. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health problems, 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 premature death. Air pollution also has effects aquatic life, vegetation, and animals.

DNREC asks local jurisdictions to mitigate to resolve this issue. Mitigation involves limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy-efficient homes which lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

Annual vehicle emissions associated with this project at completion are estimated to be 26.7 tons of VOC (volatile organic compounds), 22.1 of NOx (nitrogen oxides), 16.3 tons per year of SO2 (sulfur dioxide), 1.5 tons of fine particulates, and 2,234.0 tons of CO2 (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 10.8 tons of VOC (volatile organic compounds), 1.2 tons of NOx (nitrogen oxides), 1.0 ton of SO2 (sulfur dioxide), 1.3 ton of fine particulates and 43.7 tons of CO2 (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 4.3 tons of NOx (nitrogen oxides), 14.8 tons of SO2 (sulfur dioxide) and 2,190.4 tons of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	26.7	22.1	16.3	1.5	2234.0
Residential	10.8	1.2	1.0	1.3	43.7
Electrical Power		4.3	14.8		2190.4
TOTAL	37.5	27.6	32.1	2.8	4468.1

For this project the electrical usage via electric power plant generation alone will produce an additional 4.3 tons of nitrogen oxides per year and 14.8 tons of sulfur dioxide per year.

Southfarm-Soils

According to the Sussex County soil survey Kenansville, Kalmia, Evesboro, Klej, Woodstown, Fallsington, and Osier soils were mapped in the immediate vicinity of the proposed construction. Kenansville and Kalmia are well-drained upland soils that generally have few limitations for development. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Klej and Woodstown are moderately well-drained soils of low-lying uplands that have moderate limitations for development. Fallsington and Osier are poorly-drained wetland associated (hydric) soils that have severe limitations for development.

Southfarm-Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine forested palustrine emergent, and palustrine unconsolidated bottom wetlands are found in the immediate vicinity of subject parcel.

All stormwater management ponds should be located at least 100 feet from all wetlands and waterbodies.

This parcel borders or contains headwater riparian wetlands associated with a tributary(s) or drainage ditches which ultimately drain into 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 (i.e., Chesapeake Bay) 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.

Southfarm-Nuisance Waterfowl

The existing borrow pit may attract large numbers of waterfowl such as resident Canada geese which can be detrimental to water quality and aggressive during the nesting season. According to the site plan, the northern boundary of this 'pond' will consist of short manicured lawn. This type of habitat is very attractive to geese and we recommend native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter. Buffers should also be planted around any other ponds that are added to the site plan. Buffers serve to deter geese because they do not feel safe when they cannot see the surrounding area for predators. 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, geese problems can be minimized with proper landscaping, monitoring, and other techniques.

Southfarm-Air Quality

Air pollution threatens the health of human beings and other species. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health problems, 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 premature death. Air pollution also has effects aquatic life, vegetation, and animals.

DNREC asks local jurisdictions to mitigate to resolve this issue. Mitigation involves limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy-efficient homes which lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

Annual vehicle emissions associated with this project at completion are estimated be 30.7 tons of VOC (volatile organic compounds), 25.4 tons of NOx (nitrogen oxides), 18.8 tons of SO2 (sulfur dioxide), 1.7 ton of fine particulates and 2,567.8 tons of CO2 (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated be 12.4 tons of VOC (volatile organic compounds), 1.4 ton of NOx (nitrogen oxides), 1.1 ton of SO2 (sulfur dioxide), 1.5 ton of fine particulates and 50.2 tons of CO2 (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 4.9 tons of NOx (nitrogen oxides), 17.1 tons of SO2 (sulfur dioxide) and 2,517.6 tons of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	30.7	25.4	18.8	1.7	2567.8
Residential	12.4	1.4	1.1	1.5	50.2
Electrical Power		4.9	17.1		2517.6
TOTAL	43.1	31.7	37.0	3.2	5135.6

For this project the electrical usage via electric power plant generation alone will produce an additional 4.9 tons of nitrogen oxides per year and 17.1 tons of sulfur dioxide per year.

State Fire Marshal’s Office – Contact: Duane Fox

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):

Westfarm-Fire Protection Water Requirements

- 1) Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartments, and Townhouses)
- 2) 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)
- 3) 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.

Northfarm-Fire Protection Water Requirements

- 1) 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. (Mercantile and Storage)
- 2) Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartments, and Townhouses)
- 3) 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)
- 4) 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.

Southfarm-Fire Protection Water Requirements

- 1) 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)
- 2) 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)
- 3) 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.

Blackwater Creek-Fire Protection Features

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

- 2) 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.
- 3) Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- 4) Show Fire Lanes and Sign Detail as shown in DSFPR
- 5) For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

Blackwater Creek-Accessibility

- 1) All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Delmar Road and Providence Church Road must be constructed so fire department apparatus may negotiate it.
- 2) Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- 3) Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- 4) The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- 5) 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.

Blackwater Creek-Gas Piping and System Information

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

Blackwater Creek-Required Notes

- 1) Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- 2) Proposed Use
- 3) Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- 4) Square footage of each structure (Total of all Floors)
- 5) National Fire Protection Association (NFPA) Construction Type
- 6) Maximum Height of Buildings (including number of stories)
- 7) Townhouse 2-hr separation wall details shall be shown on site plans
- 8) Note indicating if building is to be sprinklered
- 9) Name of Water Provider
- 10) Letter from Water Provider approving the system layout
- 11) Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- 12) 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 (DDA) strongly objects to development of these parcels. The site is located in the Level 4 area of the State Strategies for Policies and Spending. Level 4 areas are designated for agricultural and environmental conservation and/or preservation. The developer has proposed a well-designed and presented preliminary plan. However, it is not located in an area supported by Livable Delaware missions or priorities. The southern farm is located adjacent to a 99-acre permanent agricultural preservation district. As a result, both the fifty-foot set back and three- hundred-foot notification zone requirements apply. According to the following mandate, the developer will be required to place the deed notice in every new recorded deed located within the whole development.

§ 910. Agricultural use protections.

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

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

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

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

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

The DDA Delaware Forest Service (DFS) views the development area as too large, is concerned with the potential threat to the environmental resources found within and adjacent to the area, and recommends re-design of the plans to better accommodate surrounding areas. The DFS offers its services to the developer in this regard and can be reached at (302) 698-4500.

The DFS encourages the developer to use the "Right Tree for the Right Place" concept in all design considerations. This concept allows for the proper placement of trees to increase property values and reduce heating and cooling costs that can average 20 to 35 dollars per month. DFS also encourages conservation and preservation of the forested areas present at this site wherever possible. A landscape design that uses this approach will reduce future maintenance cost to the property owner and ensure a lasting forest resource.

The DDA encourages the developer to use native trees and shrubs in buffering the property from adjacent land-use activities. A properly designed forested buffer can create wildlife habitat corridors, improve air quality to the area by removing 6 to 8 tons

of carbon dioxide annually, and clean rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants invasive to our local landscape, the developer is encouraged to contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact Malak Michael at (302) 739-4247. The wastewater service provider must apply to the Commission for a Certificate of Public Convenience and Necessity (CPCN). Additional requirements may apply if the provider has not previously been awarded a CPCN.

Southfarm

The project is within the certificated area for Tidewater Utilities.

Westfarm

Portions of the project (parcels 533-18-44, 533-18-45, and 533-18-46) lie outside of the Tidewater certificated service area. Tidewater will need to apply for a CPCN to provide service to the remaining parcels.

Northfarm

A portion of the project (parcel 532-12-1) lies outside of the Tidewater certificated service area. Tidewater will need to apply for a CPCN to provide service to the remaining parcels.

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. 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 in an Investment Level 4 Area, a significant impact to public safety is foreseen with this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County in order to keep them apprised of all development activities

Department of Education – Contact: Nick Vacirca 739-4658

An estimated 881 additional students for the Delmar School District will be generated by the 1,762 dwelling units included in the project. Sussex County does not have school concurrence legislation at this time. DOE recommends that the developer submit an informational package to the school district.

The following is to be used for school transportation planning. For homes more than 1/2 mile from the nearest public road outside the development, streets must be designed to allow large school bus access and turn-around without backing from the furthest areas within the development. 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

Westfarm

Sussex County Council will be considering implementation of a Source Water Protection Program required by the State and the project may be affected by any adopted requirements that Council adopts. Well locations should ensure that the wellhead protection area is entirely on site.

The proposed project is not within the Sussex County Engineering Department planning area. Sewer plans for the community system and treatment plant must be submitted to the Sussex County Engineering Department for review and approval. Review fees may apply. For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

Northfarm

The proposed MR and C-1 zoning is inconsistent with the certified Sussex County Comprehensive Plan in that neither of the districts are anticipated within the Low Density area.

The proposed wastewater treatment plant will require a Conditional Use permit if it is to serve any property not included within the scope of the project.

The proposed project is not within the Sussex County Engineering Department planning area. Sewer plans for the community system and treatment plant must be submitted to the Sussex County Engineering Department for review and approval. Review fees may apply. For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

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Southfarm

Because this project is an AR-1 Cluster subdivision, the developer must include a plan for the management of all open space in the application. 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 concerns raised by State agencies.

The proposed project is not within the Sussex County Engineering Department planning area. Sewer plans for the community system and treatment plant must be submitted to the Sussex County Engineering Department for review and approval. Review fees may apply. 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".

Constance C. Holland, AICP
Director

CC: Sussex County