



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 13, 2005

Mr. Mark Davidson
Design Consultants Group, LLC
18072 Davidson Drive
Milton, DE 19968

RE: PLUS review – PLUS 2005-04-10; Dove Knoll Phases II and III

Dear Mr. Davidson:

Thank you for meeting with State agency planners on April 27, 2005 to discuss the proposed plans for the Dove Knoll project to be located on the north side of the existing Dove Knoll subdivision at the end of Dove Knoll Drive and Turtle Dove Drive.

According to the information received, you are seeking site plan approval through Sussex County for 103 single-family residential lots on 85.83 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as 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.***

General Comment

- The State notes that this is a proposal for a resubdivision of a recorded subdivision, increasing the number of lots from 41 to 103. According to County ordinance, 51% of property owners must consent to this resubdivision. The comments provided in this letter are provided as technical comments and not intended to imply the State's support for the resubdivision of this land.

State Strategies/Project Location

- This proposal is located within Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. The presence of Investment Level 4 on a parcel inside the Environmentally Sensitive Development District is generally indicative of sensitive environmental features and/or constraints on the site. The details of these sensitive areas are included in the State comments. If the proposal moves forward, the State would ask that the developer implement a design that protects the sensitive headwater wetlands and forested areas on the site.

Natural and Cultural Resources

- It should also be noted that headwater riparian wetlands associated with Pot Hook Creek and Wolfe Glade immediately border subject parcel. **In recognition of this concern, the Department strongly recommends that the applicant preserve the existing natural forested buffer adjacent to said wetlands in their entirety.** Otherwise a minimum 100-foot buffer width is considered the acceptable buffer width from all wetlands and waterbodies.
- Lot lines and other infrastructure (such as storm water management ponds) should be pulled out of the forest and that areas of community open space be designated along the forested/riparian areas.

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

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

The Office of State Planning Coordination notes that this proposal is located within Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. The presence of Investment Level 4 on a parcel inside the Environmentally Sensitive Development District is generally indicative of sensitive environmental features and/or constraints on the site. The details of these sensitive areas are included in the State comments. If the proposal moves forward, the State would ask that the developer implement a design that protects the sensitive headwater wetlands and forested areas on the site.

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

There is a known prehistoric period archaeological site within this parcel, and there may be other areas of prehistoric remains near the creek. The parcel is adjacent to one of the most significant prehistoric archaeological sites in Delaware, and close to a known 18th-century historic archaeological site. For these reasons, it is strongly urged that you maintain as much as possible of the existing woods. The SHPO would be happy to work with the owner/developer to locate any significant archaeological sites and perhaps to preserve them in the development's open space.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT has already issued a letter of no objection with regard to the recordation of the plan for this project.

At the PLUS meeting, Sussex County pointed out that 51 percent of the current lot owners must approve any changes to the record plan. Presently about 70 of the existing lots have been sold.

The developer's site engineer should maintain contact with our Subdivision Manager for Sussex County, Mr. John Fiori as they develop the plans for construction of the streets. Mr. Fiori may be reached at (302) 760-2260.

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

Green Infrastructure

Portions or all of the lands associated with this proposal are within the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61 that represents a network of ecologically important natural resource lands of special state conservation interest.

Green infrastructure is defined as Delaware's natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, productive agricultural and forest land, greenways, cultural, historic and recreational sites and other natural areas all with conservation value. Preserving Delaware's Green Infrastructure network will support and enhance biodiversity and functional ecosystems, protect native plant and animal species, improve air and water quality, prevent flooding, lessen the disruption to natural landscapes, provide opportunities for profitable farming and forestry enterprises, limit invasive species, and foster ecotourism.

Voluntary stewardship by private landowners is essential to green infrastructure conservation in Delaware, since approximately 80 percent of the State's land base is in private hands. It is in that spirit of stewardship that the Department appeals to the

landowner and development team to protect sensitive resources through an appropriate site design.

Soils

According to the soil survey update Downer, Manahawkin muck, and Zekiah-Longmarsh complex were mapped in the immediate vicinity of the proposed construction. Downer is a well-drained upland soil that has few limitations for development. Manahawkin muck and Zekiah-Longmarsh complex are very poorly-drained wetland associated (**hydric**) soils that have the highest severity level for development.

Wetlands and Waterbodies

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands and palustrine tidal scrub-shrub wetlands on this site along Pot Hook Creek. 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. Vegetated no-mow buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

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 should also be noted that headwater riparian wetlands associated with Pot Hook Creek and Wolfe Glade immediately border subject parcel. 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 forested buffer adjacent to said wetlands in their entirety.**

Otherwise a minimum 100-foot buffer width is considered the acceptable buffer width from all wetlands and waterbodies. 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 receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

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

Nutrient reductions prescribed under TMDLs are assigned on basis of water quality concerns – that is, the those regions deemed to be of greatest environmental concern will require correspondingly higher levels of nutrient reduction than those regions deemed less environmentally sensitive. In this watershed, these regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion of the watershed, and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion of the watershed, and requires a reduction of nitrogen and phosphorus by 40 percent. **This project is proposed within the low nutrient reduction zone. It should be also be noted that the applicants plan to remove a considerable amount of the existing forest cover (nearly one-half), 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 designing this 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 huge spike in sediment-bound phosphorus following forest clearing activities.

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

Water Supply

The information provided indicates that Tidewater Utilities will provide water to the proposed projects through a central public water system. Our files reflect that Tidewater Utilities does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247.

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

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

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

Sediment and Erosion Control/Stormwater Management

1. Please submit a sediment control and stormwater management plan to the Sussex Conservation District for review. No construction (i.e. clearing, filling, grading, etc.) shall take place on-site until a sediment control and stormwater management plan has been approved by the Conservation District.

2. Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after.
3. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.
4. During the design of the stormwater management facility please note that both stormwater quantity and quality must be addressed.
5. If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
6. Specify First Floor elevations for all lots.
7. All ponds are required to be constructed per pond code 378.
8. Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.
9. Due to the proximity to sensitive areas, the Conservation District will require reinforced and super silt fence to adequately protect wetland areas during the construction of the site
10. A CCR is required for this development since the gross acreage for the project
11. exceeds 50 acres.
12. The District will require a phased erosion and sediment control plan broken into 20 acre increments. The erosion and sediment control plan should be designed to protect natural areas as much as possible during construction.
13. Please contact the Conservation District when design of stormwater management facility is initiated, as we would like to work closely with you in its design.

Floodplains

Portions of the site are within a 100-year floodplain with base flood elevations determined. To minimize flood risk, development should be located outside of the floodplain on grades above base flood elevation.

Forests

According to 2002 aerial photos there is a forest in the parcel. PLUS documents indicate that 25.16 acres will be removed for the proposed lots. This parcel may present a unique opportunity for passive open space along the forested area. It is suggested that the current lots shown in this area be removed and open space be designated along this forest. Removal of lots and designation of buffers of 100 feet along the wooded area will help improve habitat for wildlife and water quality.

Forest blocks of 20 acres or more are of special conservation concern because of their value as wildlife habitat. The developer is encouraged to avoid any impacts to the forested area because infringement will cause "fragmentation" which can decrease the value of the forest for wildlife.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as storm water management ponds) be pulled out of the forest and that areas of community open space be designated along the forested/riparian areas. Doing so will accomplish two things: it will preserve and expand the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and Pot Hook Creek.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Site Visit Request

The Delaware Natural Heritage and Endangered Species Program has not surveyed this site and requests the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. These observations would allow them to

make more informed comments and would allow the applicant the opportunity to reduce potential impacts to rare species. Please contact the DNREC botanist, Bill McAvoy, and the zoologist, Kitt Heckscher at (302) 653-2880 to set up a site visit.

Rare/Threatened/Endangered Species

A review of the database indicates that there is a rare plant, *Juncus subcaudatus* (subcaudate rush) in a maple gum swamp along Pot Hook Creek. There are also numerous rare plants downstream that could be impacted by detrimental changes to water quality caused by run-off from this development. To control sedimentary and other inputs into Pot Hook Creek and Wolfe Glade, the forested buffer along both riparian areas should be maintained to at least 100 feet (preferably 300 feet). Lot lines and stormwater management ponds should not be located within this buffer.

State Natural Heritage Site

A portion of this parcel is within an area designated as the Cape Henlopen Natural Area. Because of the species mentioned above and the existence of the Natural Area, this project is within a State Natural Heritage Site. This is one of the criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters – if this is an issue – will be made by the U.S. Army Corps of Engineers (ACOE). The information above will aid the ACOE in their determination.

Potential Hunting Issue

Because the project parcel is part of a larger forest block, and adjacent to public land, 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. In addition, this information should be disclosed upfront to potential buyers.

Residents should be aware that legal deer hunting (archery) occurs in the bordering area of Cape Henlopen State Park from September through January. A 50-yard buffer is required from roads and trails. More hunting information is available at <http://www.destateparks.com/Activities/hunting/rules/caperuleswest.htm>.

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. It is recommended that 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.

State Resource Areas/Natural Areas Inventory

This project contains land currently listed on Delaware's Natural Areas Inventory. Natural Areas contain lands of statewide significance identified by the Natural Area Advisory Council as the highest quality and most important natural lands remaining in Delaware. This project also contains land currently identified as part of a State Resource Area. State Resource Areas are comprised of lands that contain a variety of natural, cultural and open space resources significant to the state. Consideration should be given to protecting these resources which border Cape Henlopen State Park during design and construction of this project. DNREC encourages the developer to consider dedicating the Natural Area as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the Office of Nature Preserves at 739-3423.

Recreation

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe, convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc.

Underground Storage Tanks

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

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average each new house constructed generates an additional 10,000 pounds of

construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to estimate the amount of solid waste that will be generated as a result of construction and occupancy.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

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

Once complete, vehicle emissions associated with this project are estimated be 7.9 tons (15,809.4 pounds) per year of VOC (volatile organic compounds), 6.5 tons (13,089.1 pounds) per year of NOx (nitrogen oxides), 4.8 tons (9,657.4 pounds) per year of SO2 (sulfur dioxide), 0.4 ton (859.7 pounds) per year of fine particulates and 661.2 tons (1,322,438.3 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated be 3.2 tons (6,376.7 pounds) per year of VOC (volatile organic compounds), 0.4 ton (701.6 pounds) per year of NOx (nitrogen oxides), 0.3 ton (582.2 pounds) per year of SO2 (sulfur dioxide), 0.4 ton (751.4 pounds) per year of fine particulates and 12.9 tons (25,849.6 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.3 tons (2,527.2 pounds) per year of NOx (nitrogen oxides), 4.4 tons (8,790.4 pounds) per year of SO2 (sulfur dioxide) and 648.3 tons (1,296,588.7 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	7.9	6.5	4.8	0.4	661.2
Residential	3.2	0.4	0.3	0.4	12.9
Electrical Power		1.3	4.4		648.3
TOTAL	11.1	8.2	9.5	0.8	1322.4

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.3 tons of nitrogen oxides per year and 4.4 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 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
 - Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)

- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

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

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Dove Knoll Drive 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 objects to development of this parcel within an Environmentally Sensitive Area, mainly within Level 3. The Department of Agriculture strongly encourages the developer to work with all agencies to address environmental concerns and to preserve and mitigate the forest resources. The Delaware Department of Agriculture Forest Service offers it services to the developer in the re-design of this project.

Right Tree for the Right Place

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

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and

how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

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.

This project is not within a certificated area. If water is requested from a private utility, that utility will need to apply to the Commission for a certificate of Public Convenience and Necessity.

If the project connects to public wastewater from the County, and the project lies outside the service territory established in October 2004, then the County must update the information it filed with the Commission.

Department of Education– Contact Nick Vacirca 739-4658

103 dwelling units could generate an estimated 52 additional students for the Cape Henlopen 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.

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

Due to the number of residential units being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County, to keep them apprised of all development activities. A considerable portion of this property is located in the Special Flood Hazard Area inundated by the 100 and 500-year flood, (FIRM Map 335). This area could also experience possible flooding from a category 2 or greater hurricane. Routes 1, 9, and 24 are coastal storm evacuation routes and this project will be affected by traffic volume on these routes during a coastal storm event.

PLUS 2005-04-10

May 13, 2005

Page 16 of 16

Sussex County – Contact: Richard Kautz 855-7878

Because the proposed resubdivision increases the number of lots from 41 to 103, Section 99-13A of the County Subdivision Ordinance requires that the developer "shall provided evidence that not less than 51% of the property owners consent to the application." The application submitted to the Planning Director shall include a list of all property owners within the Dove Knoll subdivision as they are identified on the assessment rolls.

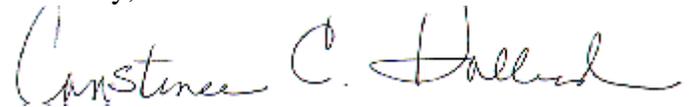
Covey Court should be shortened or otherwise redesigned to eliminate the glare of headlights directly into the rear yards of the existing lots 12 and 13 in Dove Knoll.

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

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