



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 15, 2005

KGH Property Development LLC
ATTN: Wilma Howett
702 Rehoboth Avenue
Rehoboth Beach, DE 19971

RE: PLUS review – PLUS 2005-05-02; KGH Properties/Carriage Greens

Dear Ms. Howett,

Thank you for meeting with State agency planners on May 25, 2005 to discuss the proposed plans for the KGH Properties project to be located on 80.55 acres on Cool Spring Road in Sussex County.

According to the information received, you are seeking to construct 112 residential units in the Level 4 area.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*. **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

This section includes some site-specific highlights from the agency comments found in this letter and 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.***

Project Location

- The State opposes this development of 112 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4.

Natural/Cultural Resources

- As proposed, the site plan shows significant impacts to forested areas on-site. The loss of forest will reduce the habitat value of the contiguous forest and also make it hard to achieve the load reductions required by the TMDL.
- Portions of the site are within the 100-year flood plain without base elevations. The flood plain should remain as undeveloped open space.

This office has received the following comments from State agencies:

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

This project represents a major land development that will result in 112 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring more than 275 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. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

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

The site is in the Level 4 area and the SHPO opposes development because it will cause a loss to the historic agricultural landscape. There are two historic farmsteads (S-840 and S-841), one immediately in front of the parcel to the east, and one just north of that point.

There is nothing of known archaeological or historical significance within the parcel. There is a high potential for a prehistoric archaeological site on the eastern end and a low potential for historic period archaeological sites. The developer's archaeological consultant surveyed the property and found nothing. SHPO requests a copy of that report.

Department of Transportation – Contact Bill Brockenbrough 760-2109

KGH Property Development LLC seeks to develop 112 single-family detached houses on an approximately 80.55-acre parcel (Tax Parcel 2-34-1.00-1.02) on the west side of Cool Spring Road (Sussex Road 290) between Fisher Road (Sussex Road 262) and Forest Road (Sussex Road 292) southeast of Harbeson. The land is zoned AR-1 in Sussex County and would be developed by right.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The type of development being proposed has been deemed inappropriate for this area by the *Strategies for State Policies and Spending*. In support of the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comment as appropriate in order to fulfill our responsibilities with respect to safety and drainage.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

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.

Design Recommendation

Consideration should be given to locating the residential units and horse pasture on the east portion of the property and locating the community septic and storm water management ponds west of the power line easement. This change would protect more of the forest and provide better access to the pasture amenity that this gated community is marketing. Use of the wastewater disposal field(s) should be restricted to prevent contact with effluent because the effluent may be discharged only 4-6 inches below the surface. Sand boxes, swings and the like that may disturb the drainage field should be located in separate community recreation areas.

Soils

According to the soil survey update Downer, Ingleside, Pepperbox-Rosedale complex, Klej, and Hurlock were mapped in the immediate vicinity of the proposed construction. Downer and Ingleside are well to somewhat well-drained upland soils that generally have few limitations for development. Pepperbox-Rosedale complex is a moderately well to well-drained soil of low-lying uplands that has moderate limitations for development. Klej is a transitional soil between wetlands and upland that may or may not contain wetlands. Hurlock is a poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

TMDLs

Adoption of Total Maximum Daily Loads (TMDLs) as a nutrient-runoff-mitigation strategy for the Inland Bays Watershed makes reduction of nitrogen and phosphorus loading 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 these desired use goals. The jurisdictional authority for these use goals falls under Section 11.5 of the Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

Nutrient reductions are assigned on the basis of water quality concerns. Regions of greatest environmental concern will require higher levels of nutrient reduction than those deemed less environmentally sensitive. In the subject watershed, regions are demarcated as high and low reduction zones. The high reduction zone is in the western part of the watershed and requires nitrogen and phosphorus reduction by 85 and 65 percent, respectively. The low reduction zone is in the eastern part of the watershed and requires a reduction of nitrogen and phosphorus by 40 percent. This project is proposed within the low nutrient reduction zone.

The applicant plans to remove a considerable portion (over 72%) of the existing forest cover. This may reduce the possibility for attaining the required TMDL loading-rate reduction for phosphorus. It is strongly recommended, and may be required, that the subdivision be designed with greater emphasis on the retention of native forest cover. Research has shown large increases in sediment-bound phosphorus following extensive forest clearing activities.

In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones in the Department's Watershed Assessment Section can be contacted at (302) 739-4590 for further information regarding the acceptable protocol for calculating a nutrient budget.

The TMDL for the Inland Bays mandates reducing nutrient loading to waters of the Inland Bays, therefore significant nitrogen and phosphorus loading must be realized from all sources, including onsite/community wastewater systems. The Department has developed performance standards for on-site wastewater treatment and disposal systems. The standards dictate that effluent concentration levels not exceed average annual nitrogen and phosphorus concentration levels of 5 and 2 mg/l, respectively.

Water Supply

Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be completed in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells. 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.

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. Dewatering well permit applications typically take approximately four weeks to process. Questions concerning these comments can be directed to Rick Rios, (302)739-3665.

Sediment and Erosion Control/Stormwater Management

- 1) A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.
- 2) It is strongly recommended that the applicant contact the Sussex Conservation District to schedule a pre-application meeting to discuss sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
- 3) A Notice of Intent (NOI) for stormwater discharges associated with construction activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
- 4) Applying practices to mimic pre-development hydrology, promote recharge, maximize the use of existing natural features, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
- 5) Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
- 6) Clearly address how stormwater quality and quantity treatment will be provided. If the project is eligible for a Quantity Waiver, make the request in the stormwater narrative citing the specific regulation.
- 7) Indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during and after construction. The design of the sediment control and stormwater management plan, considerations should consider maintenance of any structures or facilities.
- 8) 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.
- 9) All ponds are required to be constructed per pond code 378.

- 10) If stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.
- 11) A Certified Construction Reviewer (CCR) is required for this project.
- 12) The District will require a phased plan and sequence of construction for this project. DNREC regulations require no more than 20 acres be disturbed at one time. Please address.
- 13) Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.

Drainage

The Drainage Section recommends that all ditches on the property be checked for function and cleaned if needed prior to construction. Wetland permits may be required before cleaning ditches.

Precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create problems downstream by the release of on-site storm water.

The Drainage Section strongly recommends any drainage conveyance between two parcels within the subdivision be dedicated as passive open space drainage easements and not owned by individual landowners. The easements should be of sufficient width to allow future drainage maintenance as follows.

- 1) Along an open ditch or swale, a maintenance equipment zone of 25 feet measured from the top of bank on the maintenance side, and a 10-foot setback zone measured from top of bank on the non-maintenance side. These zones should be maintained as buffers to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be native species spaced to allow for drainage maintenance at maturity. Trees should not be planted within 5 feet of the top of ditch to avoid future blockages from roots.
- 2) Along stormwater pipe, a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline. This zone should be maintained as buffer to aid in the reduction of sediment and nutrients entering into the drainage conveyance. Grasses, forbs and sedges planted within these zones should be native species selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities. Trees and shrubs planted within the maintenance zone should be spaced to allow for drainage maintenance at maturity.

The Drainage Section recommends any drainage/utility easements not have structures, decks, buildings, sheds, kennels, fences or trees within them allow for future drainage maintenance.

Floodplains

Portions of the site are within the 100-year floodplain without base flood elevations. It is recommended that the floodplain remain as open space common area. If individual lots encroach into the floodplain, a detailed flood study must be performed to determine base flood elevations and properly delineate the floodplain.

Forests

The PLUS application indicates that 34 acres of forest will be removed for the 47 acre development. This forest tract is extremely beneficial to the region as it is connected to a larger tract of forest. Large contiguous stretches of forest like this provide important water and air quality benefits, as well as habitat for many wildlife species that depend on interior forest. Clearing portions of the forest within the parcel may reduce the habitat value of the entire forest stretch.

Forested areas set aside for conservation purposes should be placed into permanent conservation easements 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 them.

Open Space

To maximize existing buffering capacity and wildlife habitat, it is recommended that lot lines and other infrastructure be excluded from the forest, which should then be designated as community open space along the forested/riparian areas.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. These ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements. They also require much less maintenance than traditional turf grass, an important consideration for homeowners associations responsible for maintenance of community open spaces.

Open space containing forest and/or wetlands 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 homeowner activities do not infringe upon them.

Recreation

Sidewalks fronting every residence and stub streets are recommended. 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 and convenient off-road access to neighboring communities, parks, public mass transit

stops, schools, stores, work, etc. Due to the access location and current design, residents will have limited pedestrian/bike mobility beyond this gated community.

It is recommended that the developer dedicate a portion of the development for a community park. The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences, as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments needed in outdoor recreation facilities. The high facility needs in Eastern Sussex County are Walking and Jogging, Bike Paths and Fishing Areas. The moderate facility needs are Picnic Areas, Skate Facilities, Canoe/Kayak Access, Hiking Trails, Swimming Pools, Playgrounds, Soccer Fields, Tennis Courts, Power Boat Access and Baseball/Softball Fields. Consideration should be given to incorporate some of these recreation opportunities in the project. For additional information about the outdoor recreation priorities, contact Bob Ehemann, (302) 739-9235.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact it will have on 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 of this development.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

The proposal is to construct 112 units on 80 acres located west of Cool Spring Road and adjacent to Bundicks Branch. According to the *Strategies for State Policies and Spending*, the proposal is located in the Level 4 area and in an environmentally sensitive area. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as found in Level 1 and 2 areas outlined the *Strategies*.

State Fire Marshal's Office – Contact Duane Fox 856-5298

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):

1) Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Treatment BLD)
- 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 of fire hydrants and sprinkler systems.

2) 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

3) 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 Old Mill Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

4) Gas Piping and System Information

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

5) 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)
- Townhouse 2-hr separation wall details shall be shown on site plans
- 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 www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture Forest Service opposes development of this parcel within the Level 4 area. The site is located within all three Green Infrastructure focus areas. Green Infrastructure planning and preservation is a statewide strategy to secure a viable supply of productive cropland and forestland for future generations and to ensure the continued health of our natural environment. The subject site is important in all three attributes: cropland, forestland and natural resource protection. The site contains a significant amount of high value agricultural land and is designated as a good water recharge area.

This development as proposed will lessen the value of the environmental resources found within and adjacent to this site. The Delaware Department of Agriculture strongly encourages the developer to work with all agencies to The Delaware Department of Agriculture and the Delaware Forest Service offers our services to the developer and its contractors in the re-design of this project and for other uses by the owner, to learn more please contact our office at (302) 698-4500.

This development as proposed will lessen the value of environmental resources found within and adjacent to the site. The Department strongly encourages the developer to consider alternative uses for this site and offers its services in this regard.

Right Tree for the Right Place

The Department of Agriculture encourages the developer to use the “Right Tree for the Right Place” concept in any design considerations. This concept outlines the proper placement of trees to increase property value and reduce heating and cooling costs by an average of 20 to 35 dollars per month. A landscape design that uses this approach reduces maintenance costs to property owners and ensures a lasting forest resource.

Native Landscapes

The Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from adjacent land-use activities near the site. A properly designed forested buffer can create wildlife habitat corridors, clean our rivers and creeks of storm-water run-off pollutants, and improve air quality to the area by removing six to eight tons of carbon dioxide annually. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Tree Preservation

The Department of Agriculture encourages the developer to implement tree preservation activities to ensure the health and vigor of the resource. Trees are affected by compaction of soils during the construction process; guidelines established by the International Society of Arboriculture (ISA) serve to lessen this impact and provide increase value to the site.

Utility Right-of-Way Corridor

There is a major electric transmission right-of-way corridor within the parcel and the developer should contact Conectiv Forestry Operations to learn more about use restrictions for the area. Restrictions should be noted in deeds for all properties adjacent to this corridor.

Nutrient Management Plan

If developed as proposed, a nutrient management plan must be implemented for the horse farm portion of the site. Questions regarding this process can be directed to the Nutrient Management Section, (302) 698-4500.

Department of Education - Contact Nick Vacirca

It is estimated that 112 dwelling units will generate 56 additional students for the Cape Henlopen School District. Sussex County does not have school concurrence legislation at this time and it is recommended that the developer submit a package to the school district for informational purposes.

Strategies for State Policies and Spending recommends no development in Level 4 areas and provides little or no support where development occurs. Development approved in Level 4 areas will require student transportation support, a State financed program.

If the development is approved and built, use the following guidelines for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), the developers should provide streets wide enough for large school buses to access and turn around without backing from the furthest areas within the development. Should there be no homes more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance

should be made. The developer should work closely with the school district transportation supervisor.

Additionally, according to legislation passed in 2004, future public school sites must be located in designated growth areas and approved by the State Budget Director, the State Planning Director, and the State Secretary of Education.

Public Service Commission - Contact Andrea Maucher 739-4247

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

Delaware Emergency Management Agency – Contact Don Knox 659-3362

Due to the number of residential units being proposed its location in the Level 4 Area, 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. Routes 5 and 9 are coastal storm evacuation routes and this development will be affected by traffic volume during a coastal storm event.

Sussex County – Contact Richard Kautz 855-7878

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

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

The proposal includes a private central community wastewater system. It is recommended that the wastewater system be operated under a long-term contract, executed prior to project approval, with a capable wastewater utility that meets TMDL limits for Delaware's Inland Bays. The project is located outside of the Inland Bays

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Planning area where Sussex County expects to provide sewer service. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required. Plan review fees may apply. Wastewater disposal fields should not be counted as open space and should be clearly identified on the Record Plan.

The proposal includes a long drive to provide access to the western portion of the project where approximately 95 of the 112 total lots are located. The length of the drive exceeds the maximum allowable length of cul-de-sacs and an additional means to access County Road 290 should be provided. An additional street or loop that connects to road 290 is vital for public safety.

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

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name and title.

Constance C. Holland, AICP
Director

CC: Sussex County