



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

June 27, 2005

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

RE: PLUS Review 2005-05-04, Zoar Estates

Dear Ms. Nichols,

Thank you for meeting with State agency planners on June 8, 2005 to discuss the proposed plans for the Zoar Estates project to be located on 84 acres on DE Route 30 and SCR 48 in Sussex County. According to the information received, you are seeking to rezone the property from AR-1 to AR-1 Cluster to construct a residential development of 78 units in the Level 4 area.

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. 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 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. ***The applicants are responsible for reading and responding to this letter and all comments contained within it.***

**Site Location/Strategies for State Policies and Spending**

- This proposal is located in an Investment Level 4 area according to the *Strategies for State Policies and Spending*. State policies in these areas support agricultural preservation and natural resource conservation, not development. Therefore, the State opposes this proposed development.

**Natural & Cultural Resources**

- If developed, the State Historic Preservation Office requests that landscape screening be provided along the road frontages to obscure the view from neighboring historic properties.
- A 100-foot vegetated buffer should be employed from the wetland complex.
- PLUS materials indicate the removal of 44 acres of forest. Images from 1937 indicate that the entire site was forested at that time. This old growth forest has important habitat value and should be preserved.

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

This project represents a major land development that will result in 78 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located in a Low Density area according to Sussex County's certified comprehensive plan. 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 areas. 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 nearly 200 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**

SHPO objects to this development because it is in the Level 4 area and will have an adverse and destructive effect on the historic agricultural landscape. No historic properties are known to occupy the site. Zoar Church (S-3298) and a historic farmhouse

(S-821) are just across Zoar Road, the church at the western end and the house at the eastern end. The project will have an adverse visual effect on these properties. Other historic houses are on Gravel Hill Road, along Zoar Road, and near Deep Branch Road in the area of the site. The project will result in additional traffic and noise surrounding these historic properties.

The Beers Atlas of 1868 shows the J.D. Craig House within or very close to the site. It also shows a schoolhouse and the J.C. Hurdle House, which may have been demolished during 20<sup>th</sup> century road straightening. There may be a historic-period archaeological site or sites associated with these places. There are areas of medium and high potential for prehistoric-period archaeological sites towards the eastern end of the parcel.

SHPO requests that landscape screening be provided along the road frontages to soften or obscure the view of the development from nearby historic properties. SHPO would appreciate the opportunity to inspect the area for additional sites and to learn something about their character prior to any construction.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

Zoar Estates, LLC seeks to develop 78 single-family detached houses on an approximately 84-acre parcel (Tax Parcel 2-34-15.00-07.00). The subject land is located on the northeast corner of Zoar Road (Sussex Road 48) and Delaware Route 30. The land is zoned AR-1 in Sussex County and it would be developed under the County's cluster development ordinance.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* have deemed the type of development being proposed inappropriate for this area. As part of its commitment to support 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.

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

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

**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 and represent a network of ecologically important natural resources 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 as approximately 80 percent of the State's land base is in private hands. In that spirit of stewardship, the Department appeals to the landowner and development team to protect sensitive resources through appropriate site design.

**Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands and palustrine emergent wetlands on the site. These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated 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 the 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 of homeowners.

**Wetland Permitting Information**

If wetland impacts are considered, note that impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land 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. Because there is strong evidence that federally regulated wetlands exist on site, a wetlands delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. This delineation should then be verified through the Jurisdictional Determination 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, (302) 739-4691, to schedule a meeting.

### **ERES Waters**

This project is located adjacent to receiving waters of the Inland Bays designated as having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State. Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specifies that all designated ERES waters and receiving tributaries have a "pollution control strategy" to reduce non-point sources of nutrient runoff. Subsection 11.5(e) expressly authorizes the Department to provide standard Best Management Practices (BMPs) for controlling, reducing, or eliminating the discharge of pollutants to the greatest degree practicable or attainable.

### **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. The site is located within the high nutrient reduction zone.

The TMDL for the Inland Bays mandates reducing nutrient loading to waters of the Inland Bays and significant nitrogen and phosphorus loading must be realized from all sources, including individual onsite wastewater systems. The Department has developed performance standards for on-site wastewater treatment and disposal systems that are being considered as a part of the Pollution Control Strategy (PCS). Upon promulgation of the regulation, the individual on-site septic systems would be required to meet the appropriate nitrogen concentrations specified in the PCS.

The inclusion of stormwater management and/or wastewater treatment areas in open space calculations may underestimate nutrient loading rates. In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones, Watershed Assessment Section can be contacted at (302) 739-4590 for further information regarding acceptable protocol for calculating a nutrient budget.

### **Water Supply**

The project information sheets state that individual on-site wells will be used to provide water for the proposed project. DNREC records indicate that the project is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. 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. Dewatering well permit applications 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) The developer should enhance the stormwater facility with native vegetation. Contact the Sussex Conservation District for a plant list.
- 2) 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.
- 3) 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.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) All ponds are required to be constructed per pond code 378.

### **Drainage**

All ditches on the property should be checked for function and cleaned if needed prior to construction. Wetland permits may be required before cleaning ditches. Any drainage/utility easements not have structures, decks, buildings, sheds, kennels, fences or trees within them allow for future drainage maintenance.

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.

### **Forests**

There are forested areas on the site and plans indicate that lot lines will contain portions of the forest. PLUS materials indicate that 44 acres of forest will be removed for development. This forest tract is extremely beneficial to the region as it is connected to a larger tract. Large contiguous stretches of forest like this not only provide important water and air quality benefits, but also important habitat for many wildlife species that depend on interior forest. Clearing portions of the forest within the site may reduce the habitat value of the entire forest stretch.

Images from 1937 show that the entire site was forested at that time. It is therefore an extremely beneficial old-growth forest which provides important habitat for wildlife. Old-growth forests support a variety of species and the plants, wildlife, and insects found here are dependent upon current ecological conditions. These conditions do not occur in younger, less mature forests. Species examples are birds such as raptors, owls and songbirds, and critical nutrient recyclers such as lichens and fungi. Fallen trees in a mature forest provide shelter for insects and small mammals. The developer is strongly encouraged to preserve and enhance forested resources on site, particularly mature trees. This includes removing lot lines and infrastructure (such as storm water management ponds) from forested areas and minimizing clearing activities.

The forested areas on-site should be viewed as a community asset and managed appropriately. 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 the existing buffering capacity and wildlife habitat, lot lines and other infrastructure should not be placed in the forest and areas of community open space should be designated along the forested/riparian areas. This will preserve and expand existing buffers, enhance value for birds and wildlife, and create recreational opportunities for residents.

In areas set aside for passive open space, the developer should establish forested areas or meadow-type grasses. 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 is 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 so that residents understand their importance and homeowner activities do not infringe upon them.

#### **Rare/Threatened/Endangered Species**

The Delaware Natural Heritage Program botanist requests the opportunity to survey forested resources in order to make informed comments on the project and provide the applicant the opportunity to reduce potential impacts to rare species. Contact Bill McAvoy at (302) 653-2880 to set up a site visit.

#### **Potential Hunting Issue**

Because portions of the site 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. The applicant should contact adjacent landowners who may lose 100 yards of property for hunting if a buffer is not provided between lot lines and adjacent property lines.

#### **Nuisance Geese**

Ponds that remain in the subdivision will likely 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 lawns around ponds provide an attractive habitat for these species. Native tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter are recommended. Waterfowl do not feel safe when they cannot see possible predators in the surrounding area. It is easier to control a few geese than to remove a plentiful population. Planting should be completed as soon as possible. The Division of Fish and Wildlife does not provide goose control services and residents will have to accept this burden (for example permit applications and fees, securing services of certified wildlife professionals). Solutions can be costly and labor intensive. Reducing the number and/or size of ponds and providing proper landscaping and monitoring techniques will minimize nuisance geese.

#### **Recreation**

It is recommended that sidewalks be built fronting at least one side of residential streets 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 and convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc.

**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.

**Air Quality**

Annual vehicle emissions associated with this project at completion are estimated to be 6.0 tons (11,972.2 pounds) of VOC (volatile organic compounds), 5.0 tons (9,912.2 pounds) of NOx (nitrogen oxides), 3.7 tons (7,313.4 pounds) of SO2 (sulfur dioxide), 0.3 ton ( 651.0 pounds) of fine particulates and 500.7 tons (1,001,458.1 pounds) CO2 (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 2.4 tons (4,828.9 pounds) of VOC (volatile organic compounds), 0.3 ton (531.3 pounds) of NOx (nitrogen oxides), 0.2 ton (440.9 pounds) of SO2 (sulfur dioxide), 0.3 ton (569.0 pounds) of fine particulates and 9.8 tons (19,575.4 pounds) of CO2 (carbon dioxide).

Annual emissions from electrical power generation associated with this project are estimated to be 1.0 tons (1,913.8 pounds) of NOx (nitrogen oxides), 3.3 tons (6,656.8 pounds) of SO2 (sulfur dioxide) and 490.9 tons (981,882.7 pounds) of CO2 (carbon dioxide).

	VOC	NOx	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	6.0	5.0	3.7	0.3	500.7
Residential	2.4	0.3	0.2	0.3	9.8
Electrical Power		1.0	3.3		490.9
TOTAL	8.4	6.3	7.2	0.6	1001.4

Electrical usage via electric power plant generation will produce an additional 1.0 tons of nitrogen oxides and 3.3 tons of sulfur dioxide annually. A significant mitigation of this impact can be achieved through construction of Energy Star qualified homes. Every percentage of increased energy efficiency achieves a percent reduction in pollution. Quoting from their webpage <http://www.energystar.gov/>:

“ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air

conditioning systems, tight duct systems and upgraded water-heating equipment.”

The DNREC Energy Office trains builders to make their structures more energy efficient. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. The project development team is strongly encouraged to increase the energy efficiency of its homes.

**Delaware State Housing Authority – Contact Jimmy Atkins 739-4263**

This proposal is to develop 78 units on 84 acres located in the northeast quadrant of the intersection of Route 30 and Zoar Road. According to the *Strategies for State Policies and Spending*, the site is located in the Level 4 area and outside the growth zone. DSHA encourages residential development in areas where residents have proximity to services, markets, and employment opportunities such found in Level 1 and 2 areas. The site is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State has planned for new residential development.

**Department of Education – Contact Nick Vacirca**

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. It is estimated that 78 dwelling units will generate 39 additional students for the Indian River School District. Sussex County does not have school concurrence legislation at this time. The developer should submit a package to the school district for informational purposes.

If the development is approved and built, 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. Should there not be any 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.

**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:
  - Since the dwellings of the subdivision are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.
- 2) 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 Zoar 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.

3) Gas Piping and System Information

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

4) 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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- 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](http://www.delawarestatefiremarshal.com).

**Department of Agriculture - Contact Mark Davis 739-4811**

The Delaware Department of Agriculture opposes development of this parcel within the Level 4 area. The development as proposed will lessen the value of environmental resources found within and adjacent to the site. The site is located on all three Green Infrastructure Preservation strategy layers: cropland, forestland and natural resources and is highly valued for crop production capacity, forest value and natural resource amenities.

The Department supports state spending strategies for better investment and agrees that development of this site will create an unnecessary financial burden to the residents of the State of Delaware. The Department offers its services to the developer to identify alternative uses for the site.

### **Right Tree for the Right Place**

The Department 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 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 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.

### **Tree Mitigation**

It is acknowledged that tree removal will be necessary. The Forest Service encourages tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

### **Public Service Commission - Contact Andrea Maucher 739-4247**

For both water and wastewater, the site is not within a certificated area. 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 Certificate of Public Convenience and Necessity (CPCN). Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission. Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines.

### **Delaware Emergency Management Agency – Contact Don Knox 659-3362**

Due to the number of residential units being proposed and 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 9 and 24 are coastal storm evacuation routes and this development will be affected by traffic volume on these routes during a coastal storm event.

**Sussex County – Contact Richard Kautz 855-7878**

Individual on-site wastewater systems are proposed to serve this subdivision of approximately 84 acres into 78 lots. The site is within the North Coastal Planning Area but is not in an area where Sussex County expects to provide sewer service in the foreseeable future. Sussex County has no objection to the project being served by individual on-site systems. 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,



Constance C. Holland, AICP

Director

CC: Sussex County