



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

June 9, 2005

Reynold's Pond, LLC  
ATTN: Glen Urquhart  
4 East Lake Drive  
Rehoboth Beach, De 19971

RE: PLUS review – PLUS 2005-05-14; The Village of Isaac's Glen

Dear Mr. Urquhart:

Thank you for meeting with State agency planners on May 25, 2005 to discuss the proposed plans for the Village at Isaac's Glen project to be located on 836.07 acres along Isaac's Rod and Cedar Creek Road.

According to the information received, you are seeking a rezoning from AR-1 to AR-1 with RPC overlay for the purpose of constructing a mixed-use development consisting of 1,311 single-family houses, 281 townhouses, 220 assisted living units, 159,874 square feet of retail space, 71,834 square feet of office space, an 18-hole golf course, a 20,000 square foot village hall, and a 5,000 square foot library.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is in the Low Density area according to the Sussex County Comprehensive Plan. **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

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

developers will need to comply with any and all regulations/restrictions set forth by the County.

### **Executive Summary**

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/Strategies for State Policies and Spending**

- The proposed project is located in an Investment Level 4 area according to the *Strategies for State Policies and Spending* and in the Low Density area according to the Sussex County Comprehensive Plan. Because it is located outside of an area where the State and local governments have planned for growth, the State opposes this proposal.
- The proposal is out of compliance with the certified Sussex County Comprehensive Plan.
  - It is specifically contrary to the purpose stated for the Low Density area on page 19 of the plan, as well as the “Guidelines for Housing Types” section on page 19.
  - The proposed MR zoning (regardless of the density proposed for this project) is contrary to the applicable zoning districts for the Low Density Area according to Table 12 on page 25 of the plan.
- The scale of this proposal is larger than many existing towns in Sussex County. The project as proposed is likely to bring more than 4,000 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation.

#### **Agricultural Preservation**

- To date, within approximately three miles surrounding the proposed development site, 33 permanent agricultural easements for 5,681 acres have been established at a cost of approximately \$7.3 million to taxpayers. In the same geographical area, landowners have donated approximately the same value to preserve their viable and productive farmland.
- This development will threaten the agricultural viability of the area.
- The site borders the 239-acre Ponders Farm Agricultural Preservation Easement. Requirements for the 50-foot setback and 300-foot notification zones apply.

#### **Natural & Cultural Resources**

- Cumulatively, this and other proposed subdivisions along the North Prong headwaters and associated tributaries will result in negative impacts to Sowbridge Branch, North Prong, Reynolds Pond, Ingram Branch, Primehook Creek and adjoining water bodies.

- A portion of the site falls within an excellent recharge area. Guidelines for protecting the recharge area are contained in the section “Water Resource Protection Areas”.
- According to the PLUS application, 37 of the 152 acres of forest on the site will be removed for the development. Clearing portions of the forest within the parcel may reduce the habitat value of the entire forest stretch.
- The proposed project is within three miles of a known Delmarva fox squirrel population at Prime Hook National Wildlife Refuge. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. The proposed project area contains potential habitat for the Delmarva fox squirrel, and requirements listed in the “Rare/Threatened/Endangered Species” section of the letter must be followed.
- Swamp Pink is a federally listed plant that occurs within the forested wetland along North Prong on the northern border of the project and in wetlands adjacent to Reynolds Pond. Recommendations are included in the “Rare/Threatened/Endangered Species” section of the letter.

This office 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 1,592 residential units and 220 assisted living units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located in the 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. 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 4,000 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 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.

As stated in our PLUS letter dated July 15, 2004, we are particularly concerned that this proposal is out of character with the surrounding area, including the large acreage of preserved agricultural land in the immediate vicinity. The size of this proposal exceeds the size of many municipalities in Sussex County, without controls provided by municipal governments.

The proposal is not in compliance with the certified Sussex County Comprehensive Plan. Page 19 of the certified Plan states (emphasis added),

**The purpose of the Low Density Area is to provide for a full range of agricultural activities and to protect agricultural lands from the depreciating effect of objectionable, hazardous and unsightly uses.** Approval of any rezoning or subdivision in this area is subject to the consideration of the criteria contained in Ordinance 1152 as shown in the Subdivision Regulations. Where approved, low-density single-family residential housing is appropriate, together with such churches, commercial, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. **The Low Density Area seeks to prevent untimely scattering of dense urban uses, which should be confined to areas planned for efficient extension of public services.**

Specifically related to the criteria specified in Ordinance 1152, the proposal falls short of several of those criteria, most notably the preservation and conservation of farmland and the compatibility with other area land uses. Page 19 of the Plan, under "Guidelines for Housing Types", specifies that housing types appropriate for this area "are generally limited to single-family detached homes and manufactured homes." As proposed, this project includes townhouses and assisted living units. Additionally, the large scale of the commercial portion proposed for the site seems contrary to the intent of the Comprehensive Plan for the Low Density Area.

We understand from Sussex County that the application being considered is for an MR/RPC, not AR/RPC as the PLUS application indicates. To reiterate the statement from our July 15, 2004 PLUS letter, the MR zoning category is inconsistent with the Sussex County Comprehensive Plan, as per table Table 12 on page 25. Although the density requested is allowed under the AR-1 zoning classification, if this project is approved and were to be sunsetted in the future, the land would maintain the MR zoning classification.

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

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

The State Historic Preservation Office opposes this development because it is in the Level 4 area and will have an adverse effect on the historic agricultural landscape of the area, especially to a historic farmstead to the northeast (S-8872). The parcel also borders Reynolds Pond and disturbs the historic setting of this mill pond, although the mill site itself appears to be outside of the parcel.

Nothing of archeological or historical significance is known within this parcel. There are areas of medium potential for prehistoric archaeological sites and high potential for historic archaeological sites. There are six farmsteads shown on Beers Atlas of 1868. The developer's archaeological consultant surveyed the property and found no sites at all. The SHPO requests a copy of the consultant's report in order to document this result.

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

Reynold's Pond, LLC seeks to develop 1,311 single-family detached houses, 281 townhouses, 220 units of assisted living, 159,874 square feet of retail space, 71,834 square feet of office space, a 20,000 square foot village hall, a 5,000 square foot library, and an 18-hole golf course on an approximately 836-acre assemblage of parcels (Tax Parcels 2-30-21.00, 28.00 and 29.00). The land is located on both sides of Delaware Route 30, north of Reynolds Pond, and more generally northwest of Milton. Most of the land is in agriculture but there are small wooded areas. The land is zoned AR-1 in Sussex County and an RPC overlay zoning would be needed for the development to proceed. A somewhat similar proposal by the same developer for this assemblage, albeit for less development, was reviewed through the PLUS process in 2004 under the name The Village at Isaacs Glen (PLUS 2004-06-17).

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 applicable Sussex County Comprehensive Plan and, subsequently, by the *Strategies for State Policies and Spending*. As part of its commitment to support the Comprehensive Plan and the *Strategies for State Policies and Spending* 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 certified Comprehensive Plans. We encourage the use of transfer of development rights where this growth management tool is available.

DelDOT stated at the PLUS meeting that it would not provide technical comments, but has reconsidered that position because comments have been made on previous plans for this development. As the development proposal has changed, DelDOT's previous comments are not to be applied to the present proposal. The following comments are technical and are not intended to suggest that DelDOT supports this development proposal.

- 1) Isaacs Road and Cedar Creek Road west of Isaacs Road (both Delaware Route 30) are classified as major collector roads. Beideman Road, Hummingbird Road and Cedar Creek Road east of Isaacs Road are classified as local roads. Local roads in rural Delaware typically have right-of-way widths ranging from 33 to 50 feet. Collector road rights-of-way tend to be somewhat wider. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads and 40 feet from the centerline on collector roads. Therefore right-of-way dedication is required along the frontage to provide any additional width needed from this project.
- 2) A paved multi-modal path, located in a 15-foot wide permanent easement, across the frontage of the site on Isaacs Road and Cedar Creek Road, will be required.
- 3) The plan for the project assumes the relocation of Beideman and Hummingbird Roads. Stated in simple terms, this relocation is a two-step process: new alignments for these roads must be designed and built and the existing roads must be closed and vacated. The two steps can proceed in parallel to some extent, but both must be done and the new roads must be opened before the old ones are closed.
- 4) The design and construction of the new roads must be done to DelDOT local road standards. Preliminarily, the connection from Beideman Road to the new east-west road should be more direct and have fewer access points. A more detailed review will be done by the Subdivision Section.
- 5) While there will be internal reviews by other sections within DelDOT, the design of the roads will be administered by the Subdivision Section and the South District office will administer construction. The developer's engineer may contact the Subdivision Engineer, Mr. Drew Boyce, (302) 760-2165, regarding the design of the new roads.
- 6) The vacation of the existing roads is governed by State law. The developer is invited to contact Assistant Director for Real Estate, Mr. Wayne Rizzo, (302) 760-2228 for information on the process.
- 7) A traffic impact study was completed for this project in August 2004 and comments to Sussex County made in January 2005. A copy of that letter is

enclosed. At that time, the development was proposed as 1,244 single-family detached houses, 330 townhouses, 216 apartments, a 330-bed assisted living facility, a 3,000 square foot medical office building, and a 30,000 square foot general office building, 76,601 square feet of retail, a 7,500 square foot library, and an 18-hole golf course.

- 8) Based on the current proposal, the developer will not be required to enter signal agreements with regard to the intersection of Delaware Route 1 and Wilkins Road/Cedar Neck Road and the intersection of Route 1 and Johnson Road. DelDOT anticipates constructing grade-separated interchange at the Wilkins Road intersection, which should eliminate any need for a signal at either location.
- 9) DelDOT is aware that the developer seeks to discuss recommendations made in its January 2005 letter and has asked their traffic engineer for an analysis of how the current proposal compares to what was evaluated in the TIS. A meeting can be arranged after that analysis has been received and reviewed by DelDOT
- 10) It is recommended that some of the 10 proposed cul-de-sacs be eliminated. Cul-de-sacs are necessary in some instances to make efficient use of land where there are environmental constraints. However, they are not conducive to good traffic flow or a sense of community and should be eliminated where possible.
- 11) Stub streets should be provided to adjacent properties where possible. Despite the response to Item 39 on the PLUS form that "Road relocations and connections were provided where possible," the developer's engineer appears to have overlooked the potential for connections to the west, both north and south of Hummingbird Road. On the north side of the road, there is a plan pending for a development known as Hayfield, which would include a stub street to this property. The plan for the subject development should connect to that stub.
- 12) Although it is not apparent from the exhibit accompanying the PLUS application, it is understood that a golf cart tunnel under Route 30 is proposed. For infrastructure security purposes, construction of a tunnel under a State-maintained road as part of this development will not be permitted. If an at-grade crossing cannot be designed to be acceptable to both DelDOT and the developer, a bridge over Route 30 can be considered.
- 13) It is understood from Sussex County that the developer proposes to donate Lot A for use as a fire or emergency medical service facility. DelDOT has had no discussions with any emergency services provider in this regard. While access to that parcel may be permissible for such purposes, DelDOT has not agreed that it would be permitted nor investigated the circumstances under which it might be permitted.

- 14) The developer's site engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, (302) 760-2260, regarding requirements for access.

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

**General Comment**

There have been five proposed subdivisions along the North Prong headwaters and associated tributaries reviewed through PLUS since August 2004: Sandstone 2005-04-02, Hayfield 2005-01-08, Captain's Run 2005-05-09, Abbey Estates 2004-08-15, and the current proposal for the Village of Isaac's Glenn 2005-05-14. Approval of these developments will add an additional 2,505 homes along North Prong. The presence of these residential units has the potential to result in negative cumulative impacts to Sowbridge Branch, North Prong, Reynolds Pond, Ingram Branch, Primehook Creek and adjoining waterbodies.

**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 Sussex County soil survey, Evesboro, Rumford, Sassafra, and Johnston soils were mapped in the immediate vicinity of the proposed construction. Evesboro is an excessively well-drained upland soil that has moderate limitations for development on account of its rapid permeability. Rumford and Sassafra are well-drained upland soils that have few limitations for development. Johnston is a poorly-drained wetland associated (**hydric**) floodplain soil that has severe limitations for development.



### **Wetlands and Waterbodies**

The proposed development is bordered by the North Prong, Sowbridge Branch and Reynolds Pond and is within the headwater area of the North Prong. Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands in this parcel.

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 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.

The PLUS application indicates that there will not be direct impacts to these wetlands through construction activities; however, secondary impacts of construction could be detrimental to the health of these wetlands. Site plans indicate a road crossing will run through the stream on the site. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the Subaqueous Land Section of the DNREC Division of Water Resources and the Army Corps of Engineers.

As stated in *Better Models for Development in Delaware* (2004), “subdivision lines should be drawn so that stream banks are buffered with dedicated open space that protects water quality, wildlife habitat, and other riparian resources while also enhancing property values and reducing the likelihood of flood damage”. DNREC recommends that vegetated buffers of no less than 100 feet be employed around wetlands and waterbodies. Given that the site is within the headwaters of North Prong and within a mapped State Resource area, these buffers should be maximized, particularly because ground disturbance will occur within 100 feet of the wetland complex. To minimize potential homeowner activities within wetlands, no lot lines should contain wetlands, buffers or other resources of conservation concern.

It is recommended that the Farm Services Agency of the USDA be contacted to assess whether farmed wetlands on the subject parcel meet recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have been drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection, provided that there is no proof of a continuous “fallow period” of five years or greater in the parcel’s cropping history. Parcels converted after said date, regardless of cropping history, are considered jurisdictional by the Army Corps of Engineers (ACOE). The USDA contact person for assessing a parcel’s cropping history is Sally Griffin, (302) 678-4182.

### **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. 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.

### **TMDLs**

Total Maximum Daily Loads, pollution runoff mitigation strategies to reduce nutrient loading for the Broadkill subwatershed of the Delaware Bay watershed, are being developed and should be available in the near future.

Until specific TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

### **Water Supply**

Any on-site public well must be located at least 150 feet from the outermost boundaries of the project. A well construction permit must be obtained in advance. The Division of Water Resources will consider applications for the construction of on-site wells provided they can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells.

Should dewatering points be utilized during construction, a permit must be obtained from the Water Supply Section in advance. 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. Dewatering well permit applications take approximately 4 weeks to process.

Questions concerning these comments can be directed to Rick Rios, (302) 739-3665.

### **Water Resource Protection Areas**

A portion of the site falls within an excellent recharge area (see map). According to State law, county and municipal governments are required to enact ordinances to protect Water Resource Protection Areas. The text below has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While local ordinances are not yet in place, the

developer may find this wording useful in modifying the site plan to protect the wellhead protection area.

“Water Resource Protection Areas (WRPAs) are defined as (1) surface water areas such as floodplains, limestone aquifers, and reservoir watersheds, (2) wellhead areas, or (3) excellent recharge areas. The purpose of an impervious cover threshold is to minimize loss of recharge and protect the quality and quantity of ground and surface water supplies in WRPAs.

New development in WRPAs may exceed the 20 % impervious cover threshold, but be no more than 50 % impervious, provided the applicant submits an environmental assessment report recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.”

Applicants commonly offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water. The DNREC recommends the following measures, ranked in order of preference:

- 1) Preserve WRPAs as open space and parks by acquisition or conservation easement;
- 2) Limit impervious cover of new development to 20 % by right within WRPAs;
- 3) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that directly infiltrate rooftop runoff;
- 4) Allow impervious cover of new development to exceed 20% within WRPAs (but no more than 50% impervious) provided the applicant develops recharge facilities that infiltrate stormwater runoff from forested and/or grassed surfaces with pretreatment.

More information can be found at:

Source Water Protection Guidance Manual for the Local Governments of Delaware at

<http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual.pdf>

Ground-Water Recharge Design Methodology at

[http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual\\_supplement\\_1.pdf](http://www.wr.udel.edu/swaphome/phase2/Manual/SwappManual_supplement_1.pdf).

### **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 Sussex Conservation District. Contact Jessica Watson, Program Manager, (302) 856-7219, for details regarding submittal requirements and fees.
- 2) It is strongly recommended that the applicant contact Sussex Conservation District to schedule a pre-application meeting to discuss the 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 the pre-development hydrology on the site, promote recharge, maximize the use of existing natural features on the site, 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 this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.
- 7) Please indicate on the sediment and stormwater management plan who will be responsible for maintenance of stormwater management facilities both during and after construction. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (access, easements, etc.) 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 must be constructed in accordance with pond code 378.
- 10) If stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.

A Certified Construction Reviewer (CCR) is required for this project. The Conservation District requires a phased plan and sequence of construction that disturbs no more than 20 acres at one time per DNREC regulation. Also, the DNREC Health and Safety Memo of 2000 requires all wet ponds to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond. Consideration should be made for any adjacent properties during the design of this project, including drainage and erosion/sediment control.

### **Drainage**

The Drainage Section requests all ditches on the property be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required in advance of ditch cleaning. It is recommended that precautions be taken to ensure that construction does not hinder any off-site drainage upstream or create off-site drainage problems downstream by the release of on-site storm water.

It is strongly recommended that any drainage conveyance between two parcels within the subdivision be dedicated as a drainage easement and designated as passive open space, rather than individually owned. The easement should be of sufficient width to allow for future drainage maintenance. 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 is recommended. Along a stormwater pipe, a maintenance equipment zone of 15 feet on each side of the pipe as measured from the pipe centerline is recommended. These zones should be maintained as buffers to reduce 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.

The Drainage Section recommends that any drainage/utility easement owned by an individual landowner not have structures, decks, buildings, sheds, kennels, fences or trees within the drainage easement to allow for future drainage maintenance.

### **Floodplains**

Portions of the site are within the 100-year floodplain of North Prong without base flood elevations. It is recommended that the floodplain remain 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. Other portions of the site are in the 100-year floodplain of Reynolds Pond, where base flood elevations have been determined. It is recommended that construction not occur in the floodplain. Any redelineations of the floodplain must be reviewed and approved by Sussex County and FEMA.

### **Forests**

According to 2002 aerial photos, there is a forested area in the parcel. 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. The PLUS application indicates that 37 acres will be removed for development. 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 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. Reforestation of the open space areas in the parcel is strongly recommended both to increase the buffer zone to the forest and to decrease homeowners' long-term maintenance costs.

### Open Space

The PLUS application indicates that 116.47 acres are proposed for open space. In areas set aside for passive open space, the developer is encouraged to establish additional forested areas or meadow-type grasses. These ecosystems provide increased groundwater infiltration, decreased run-off into surface water, and improve air quality. They also 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 binding protection. These areas should be clearly marked and delineated so that residents understand their importance and homeowner activities do not infringe upon them.

### Request for Site Visit

The Delaware Natural Heritage Program (DNHP) botanist again requests the opportunity to survey the forest and wetland resources which will be affected by this project in order to provide more informed comments and advise the applicant about opportunities to reduce impacts to potential rare species. Bill McAvoy can be reached at (302) 653-2880 to schedule a site visit. This is the third request for a site visit.

### Rare/Threatened/Endangered Species

The parcels have not been surveyed. The following species and/or communities have been previously documented adjacent to the project site. This list is incomplete as additional rare species may be found on the project parcels.

Scientific Name	Common Name	Taxon	State Rank	State Status	Global Rank	Federal Status
<i>Sciurus niger cinereus</i>	Delmarva Fox Squirrel	Mammal	S1	E	G5T3	LE
<i>Helonias bullata</i>	Swamp Pink	Plant	S2		G3	LT
<i>Enneacanthus chaetodon</i>	Blackbanded Sunfish	Fish	S2		G4	
<i>Potamogeton pusillus</i>	Slender Pondweed	Plant	S1		G5	
<i>Lycopus amplexans</i>	Sessil-Leaved Bugleweed	Plant	S2		G5	
<i>Schoenoplectus subterminalis</i>	Water Bulrush	Plant	S2		G4G5	
<i>Rhynchospora scirpoides</i>	Long-Beaked Bald-Rush	Plant	S2		G4	
<i>Xyris smalliana</i>	Small's Yellow-Eyed-	Plant	S2		G4	

	Grass					
<i>Drosera rotundifolia</i>	Roundleaf Sundew	Plant	S2		G5	
<i>Sagittaria engelmanniana</i>	Engelmann's Arrowhead	Plant	S2		G5	
<i>Juncus pelocarpus</i>	Brown-Fruited Rush	Plant	S2		G5	
<i>Rhynchospora alba</i>	White Beak-Rush	Plant	S2		G5	
<i>Eriocaulon parkeri</i>	Parker's Pipewort	Plant	S2		G3	
<i>Eriocaulon aquaticum</i>	Seven-Angled Pipewort	Plant	S2		G5	

**State Rank:** S1- extremely rare within the state (typically 5 or fewer occurrences); S2- very rare within the state (6 to 20 occurrences); B - Breeding; N - Nonbreeding; **State Status:** E – endangered, i.e. designated by the Delaware Division of Fish and Wildlife as seriously threatened with extinction in the state; **Global Rank:** G1 - imperiled globally because of extreme rarity (5 or fewer occurrences worldwide); G2 - imperiled globally because of great rarity (6 to 20 occurrences); G3 - either very rare and local throughout its range (21 to 100 occurrences) or found only locally in a restricted range; G4 - apparently secure globally but uncommon in parts of its range; G5 - secure on a global basis but may be uncommon locally; T\_ - variety or subspecies rank; Q – questionable taxonomy; **Federal Status:** LE – endangered, i.e. designated by the U.S. Fish and Wildlife Service as being in danger of extinction throughout its range; LT – threatened, i.e. designated by USFWS as being likely to become endangered in the foreseeable future throughout all or a significant portion of its range; PS – proposed status.

The proposed project lies within three miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Prime Hook National Wildlife Refuge. Delmarva fox squirrels were listed as federally endangered in 1967 and are protected by the Endangered Species Act. They generally inhabit mature forests with open understories and wet woodlands, but can be opportunistic in their habitat choice. The proposed project area contains potential habitat for Delmarva fox squirrels and the following is required prior to beginning work:

- 1) Completely avoid all direct and indirect impacts to the habitat, in consultation with the U.S. Fish and Wildlife Service and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program; or
- 2) Conduct surveys to determine if Delmarva fox squirrels are present. In accordance with Delaware's fox squirrel procedures, site surveys must be conducted by a state approved fox squirrel surveyor two times between September and May: once in the fall, and once between March 15 and May 30. A list of qualified surveyors is available upon request. Note that surveys may confirm the presence of fox squirrels but cannot confirm absence.

Swamp pink is a federally listed plant that occurs within the forested wetland along North Prong on the northern border of the project and in wetlands adjacent to Reynolds Pond. This species typically occurs in Atlantic white cedar and maple/gum swamps in the Coastal Plain and appears to be very sensitive to sedimentation. Appropriate erosion and sediment control measures should be taken during construction activities to minimize impact to this species. Because this species is federally listed, there may be additional requirements and the USFWS should be contacted.

The remaining plant species listed in the table above are found within the Reynolds Pond system and could be detrimentally affected by eutrophication and sedimentation resulting from build-out and changes in drainage patterns. Blackbanded sunfish (*Enneacanthus chaetodon*), a state rare species, favors heavily vegetated areas on sand or mud bottoms.

### **Critical Resource Waters**

Due to the presence of the species listed above and the existence of one or more state Natural Areas, this project lies within a State Natural Heritage Site. It does not lie within a Delaware National Estuarine Research Reserve, one of the criteria used to determine the presence of Critical Resource Waters. The final determination regarding Critical Resource Waters will be made by the U.S. Army Corps of Engineers (ACOE). Information provided above will aid the ACOE in making its determination.

### **Potential Hunting Issue**

Because portions of the project area are part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited and the applicant is encouraged to contact adjacent landowners in this respect. Adjacent landowner will potentially lose 100 yards of property for hunting if there are no buffers 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. Because this is a mixed residential community, typical methods of goose control utilized on golf courses are not advisable. The best method would be one of prevention. 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 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.

### **State Resource Areas/Natural Areas Inventory**

This project contains land currently identified as part of a State Resource Area. State Resource Areas contain a variety of natural, cultural and open space resources significant to the state. Consideration should be given to protecting these resources along Reynolds Pond during design and construction of this project. For more information contact Ron Vickers, Land Preservation Office, (302) 739-9235.

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. Consideration should be given to protecting these resources during design and



construction of the project and the developer is strongly encouraged to investigate dedicating the Natural Area as a Nature Preserve through a conservation easement or donation of land. For more information contact the Office of Nature Preserves, (302) 739-9235.

### **Recreation**

The plan as presented provides many recreation opportunities and fulfills facility needs outlined in the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP). The high facility needs in Eastern Sussex County are for Walking and Jogging, Bike Paths and Fishing Areas. The moderate facility needs are for Picnic Areas, Skate Facilities, Canoe/Kayak Access, Hiking Trails, Swimming Pools, Playgrounds, Soccer Fields, Tennis Courts, Power Boat Access and Baseball/Softball Fields. For additional information about outdoor recreation priorities, contact Bob Ehemann, (302) 739-9235.

It is recommended that sidewalks be built fronting every residence and stub street. 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. Consideration should be given to pedestrian access to the commercial and recreation areas within the project.

### **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**

Annual vehicle emissions associated with this project at completion are estimated to be 122.2 tons (244,355.4 pounds) of VOC (volatile organic compounds), 101.2 tons (202,309.7 pounds) of NO<sub>x</sub> (nitrogen oxides), 74.6 tons (149,267.8 pounds) of SO<sub>2</sub> (sulfur dioxide), 6.6 ton (13,287.4 pounds) of fine particulates and 10,220.0 tons (20,440,016.8 pounds) of CO<sub>2</sub> (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 49.3 tons (98,559.6 pounds) of VOC (volatile organic compounds), 5.4 ton (10,844.5 pounds) of NO<sub>x</sub> (nitrogen oxides), 4.5 ton (8,999.4 pounds) of SO<sub>2</sub> (sulfur dioxide), 5.8 ton (11,613.3 pounds) of fine particulates and 199.8 tons (399,538.7 pounds) of CO<sub>2</sub> (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 19.5 tons (39,061.9 pounds) of NO<sub>x</sub> (nitrogen oxides), 67.9 tons (135,867.6 pounds) of SO<sub>2</sub> (sulfur dioxide) and 10,020.2 tons (20,040,478.1 pounds) of CO<sub>2</sub> (carbon dioxide).

	VOC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	122.2	101.2	74.6	6.6	10220.0
Residential	49.3	5.4	4.5	5.8	199.8
Electrical Power		19.5	67.9		10020.2
TOTAL	171.5	126.1	147.0	12.4	20440.0

Electrical usage via electric power plant generation for this project alone will produce an additional 19.5 tons of nitrogen oxides and 67.9 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 1592 units on 836 acres located on Route 30, north of Reynolds Pond and south of Jefferson Crossroads between Milford and Milton. The proposal is located in the Level 4 area and outside the growth zone. As a general planning practice, DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as found in Level 1 and 2 areas outlined in the *Strategies for State Policies and Spending*. The proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the state plans to support new residential development.

**Department of Education – Contact Nick Vacirca 739-4601**

It is estimated that 1,592 dwelling units will generate 796 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.

**State Fire Marshal – 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. (Mercantile)
- 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, Apartment and Townhouses)
- 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.

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 of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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 Issacs 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.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

4) Gas Piping and System Information

- Provide type of fuel proposed, and show locations 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](http://www.delawarestatefiremarshal.com).

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

The Delaware Department of Agriculture vehemently opposes this project. The development of these key parcels in a traditional, established and viable agricultural community is not only contrary to the principles of "Livable Delaware," but will also act as a catalyst for further residential and commercial development of the area. This site is located in the Level 4 area where the *Strategies for State Policies and Spending* promotes preservation and conservation of precious natural resources. A great deal of farm preservation activity has already occurred. To date, within approximately three miles surrounding the proposed development site, 33 permanent agricultural easements for 5,681 acres have been established at a cost of approximately \$7.3 million to taxpayers. In the same geographical area, landowners have donated approximately the same value again in order to preserve their viable and productive agricultural land. The state has a vested interest in securing the future agricultural viability of this area and a responsibility to ensure the same for landowners who have donated significant land value for permanent preservation. This development will threaten agricultural viability and lessen the value of environmental resources found within and adjacent to the site. See the attached map for additional details.

The site borders the 239-acre Ponder Farm Agricultural Preservation Easement. If developed, the 50-foot setback and 300-foot notification zone requirements apply. The developer will be required to place the following deed notice in every new recorded deed located within the development.

**§ 910. Agricultural use protections.**

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

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

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

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

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint

alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees. (68 Del. Laws, c. 118, § 2.)

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

The developer is encouraged to employ 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 developer is encouraged to use native trees and shrubs in buffering the property from adjacent land-use activities. A properly designed forested buffer creates wildlife habitat corridors, cleans rivers and creeks of storm-water run-off pollutants, and improves 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, (302) 698-4500.

### **Tree Preservation**

The developer is encouraged to employ 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 increased value to the site.

### **Tree Mitigation**

The Department notes the on-site waste-water system has been relocated and understands the challenges of its design and placement. It is acknowledged that tree removal will be necessary to this aspect of the development. The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

The Department strongly encourages the developer to work with all agencies to consider alternative uses for the site and offers its services in any re-design efforts or exploration of other uses.

### **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 Certificate of Public Convenience

and Necessity (CPCN). Additional requirements may apply if the provider has not previously been awarded a CPCN by the Commission. Contact Andrea Maucher, (302) 739-4247.

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

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

Due to the very large number of residential units and commercial development being proposed, and its location in the Level 4 area, an extremely significant impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving this portion of Sussex County to keep them apprised of all development activities. The northern portion of the property, along North Prong Branch, is located in the Special Flood Hazard Area inundated by the 100-year flood, (FIRM Map 153). The southern portion of this property, along Sowbridge Branch, is located in the Special Flood Hazard Area inundated by the 100 and 500-year flood, (FIRM Maps 153 and 154). This area could also experience possible flooding from a category 3 or greater hurricane. Routes 1, 16, and 113 are coastal storm evacuation routes and this project will be affected by traffic volume on these routes during coastal storm events.

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

The proposed concept anticipates only one well on the north edge of the property, however the commitment letter from the water supplier states there will be "multiple production wells". The plan should be revised to show the probable locations of these wells and address how their location, well-head protection areas and that of the tower(s) will not impact adjacent property.

The applicant offered to add area estimates for the assisted living facility and associated parking to the calculation summary on the plan. This additional calculation will clarify that the assisted living area shown on the plan (listed as Commercial Area #3), when combined with the gross retail/office space of 231,708 sq. ft (5.3 acres) and associated area for 1,050 parking spaces ( $1050 \times 400/\text{space} = 9.6$  acres), does not exceed the limit of 15.85 acres for the commercial area.

The Sussex County Engineer comments the proposal is to utilize a private central community wastewater system. It is recommended that the wastewater system be operated under a long-term contract with a capable wastewater utility. In addition, a wastewater utility provider should be in place prior to project approval. The project is located outside of the Inland Bays 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. Review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required. Plan review fees may apply. Disposal fields should not be

PLUS 2005-05-14 Isaacs Glen

June 9, 2005

Page 24 of 24

counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

If Sussex County provides sewer service to the area in the future, the requirement is for the treatment system to be abandoned and a direct connection made to the County system at the developer and/or homeowner association expense.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (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 reasons 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 blue ink that reads "Constance C. Holland". The signature is written in a cursive style with a light blue background behind it.

Constance C. Holland, AICP  
Director

CC: Sussex County  
Town of Milton