



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 17, 2005

Tom Ford
LandDesign, Inc.
Oak Square, Suite 3, Central Avenue
Ocean View, DE 19970

RE: PLUS review – PLUS 2005-05-16; Water's Run

Dear Mr. Ford,

Thank you for meeting with State agency planners on May 25, 2005 to discuss the proposed plans for the Water's Run project to be located on 27.34 acres on SCR 381 at Dirickson Creek in Sussex County.

According to the information received, you are seeking to rezone the property from AR-1 to AR-1 Cluster for the construction of a residential subdivision in the Level 4 area, within the Environmentally Sensitive Developing Area of Sussex County.

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 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

- This development is proposed for an Investment Level 4 area according to the *Strategies for State Policies and Spending* and is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Based on the extensive data analysis used to develop the *Strategies*, the

presence of Investment Level 4 in the Environmentally Sensitive Developing Area is an indication of sensitive natural resources on-site. In this case, forested areas, flood plains, and wetlands on the site influenced the designation as Investment Level 4.

Street Design

- Right-of-way dedication along Old Mill Bridge Road will be required.
- A paved multi-modal path, located in a 15-foot wide permanent easement will be required on both sides of the road.
- The cul-de-sac serving lots 26 through 39 should be changed to a stub street abutting tax parcel 5-33-12.00-21.00.
- Sidewalks should be provided on both sides of the street on the block entering the development.

Natural/Cultural Resources

- The parcel is adjacent to the Dirickson House. The hedge shown sheltering the house from the development will help mitigate the adverse visual impact.
- This parcel may contain the Williams Old Mill. If the project requires an Army Corps of Engineers permit, the developer must consult with SHPO and may be required to undertake an archaeological survey to determine the presence or absence of the mill site.
- Efforts should be made to preserve existing forest. As proposed, a considerable amount of forest will be removed, which might make the required nutrient load reduction for forest difficult to achieve. Removal of forest will also fragment natural habitat on the site.
- Portions of the site are within the 100-year flood plain. Buildings should be limited to areas outside the flood plain and above the base flood elevation.

This office has received the following comments from State agencies:

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

This development is proposed for an Investment Level 4 area according to the *Strategies for State Policies and Spending* and is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Based on the extensive data analysis used to develop the *Strategies*, the presence of Investment Level 4 in the Environmentally Sensitive Developing Area is an indication of sensitive natural resources on-site. In this case, forested areas, flood plains, and wetlands on the site influenced the designation as Investment Level 4.

In these areas, we recommend a design that is sensitive to the natural resources on and surrounding the site. We are pleased to see that the project as proposed includes an average 100-foot riparian buffer. We ask also that you work with DNREC and the Department of Agriculture to address their issues regarding protection of natural resources in the development of the site.

We also note that at the meeting, you stated that through this project's connection to the Sussex County sewer, at least 22 individual on-site septic systems will be eliminated and

the houses hooked to public sewer. We support the elimination of on-site septic systems whenever possible.

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

The parcel is immediately adjacent to the Dirickson House (S-733) and will adversely affect its setting. The plans show a hedge sheltering the house from the view of the development, which will help mitigate this effect.

The parcel may contain the site of Williams Old Mill and is immediately adjacent to the mill pond, as shown on Beers Atlas of 1868. The development will adversely affect the setting of the millpond. The developer proposes construction of a gazebo and crabbing pier in the vicinity of the mill site. This may require an Army Corps of Engineers permit. If so, the developer will be required to consult with SHPO and may be required to undertake an archaeological survey to determine the presence or absence of the mill site. This parcel also has a high potential for prehistoric archaeological sites.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Mandrin Homes, Ltd. seeks to construct 56 single-family detached houses on a 27.34-acre portion of a larger parcel (Tax Parcel 5-33-12.00-20.00) on both sides of Old Mill Bridge Road (Sussex Road 381) and the south bank of Dirickson Creek. Most of the land is and all of the lots would be on the west side of the road. The land is zoned AR-1 in Sussex County and it would be developed under the AR-1 cluster option.

This development is proposed for an area designated as Level 4 under the *Strategies for State Policies and Spending*. 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.

Recognizing that the project is in an Environmentally Sensitive Developing Area, as designated by the Strategies and the Sussex County Comprehensive Plan, DelDOT is providing a technical review herein, although these comments were not provided at the PLUS meeting.

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

- 1) Old Mill Bridge Road is classified as a local road. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. 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. 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 is required across the frontage of the site. Preliminarily, paths should be provided on both sides of the road.
- 3) The cul-de-sac serving Lots 26 through 39 should be changed to a stub street abutting Tax Parcel 5-33-12.00-21.00.
- 4) Sidewalks should be provided on both sides of the street on the block entering the development. It is noted that parallel path is proposed north of the pool and tennis court, however people who choose to walk along the street should have a safe place to do so.
- 5) The project site engineer should contact Mr. John Fiori, Subdivision Manager for Sussex County, (302) 760-2260, regarding requirements for access.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Soils

According to the soil survey update, Pepperbox, Aquic Udorthents, Klej, and pits and gravel were mapped in the immediate vicinity of the proposed construction. Pepperbox is a moderately well soil of low-lying uplands that has moderate limitations for development. Aquic Udorthents is a somewhat poorly-drained soil (potentially hydric) that has been degraded by land clearing, filling and grading activities; development limitations are likely to be highly variable due to site-specific variations of disturbance. Klej is a transitional soil between wetlands and uplands that may or may not contain wetland associated (hydric) soils. Pits, sand, and gravel is a classification given to soils that have been excessively excavated, filled, or graded; these soils have unpredictable site specific limitations.

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.

This project is proposed within the low nutrient reduction zone and the applicant plans to remove a considerable portion of the existing forest cover. This may reduce the possibility for attaining the required TMDL loading-rate reduction for phosphorus. It is strongly recommended, and may in fact be required, that the applicant consider placing greater emphasis on the retention of native forest cover. Research has shown that there is usually a large increase in sediment-bound phosphorus following extensive forest clearing activities. It is noted however, that the elimination of 22 or more septic systems on neighboring properties may help to off-set this impact.

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

Water Supply

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

Sediment and Erosion Control/Stormwater Management

- 1) A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval and construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

- 2) It is strongly recommended that the applicant contact the Sussex Conservation District to schedule a pre-application meeting to discuss sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.
- 3) A Notice of Intent (NOI) for stormwater discharges associated with construction activity must be submitted to DNREC Division of Soil and Water Conservation along with the \$195 NOI fee prior to plan approval.
- 4) Applying practices to mimic pre-development hydrology, promote recharge, maximize the use of existing natural features, and limit the reliance on structural stormwater components, such as maintaining open spaces, should be considered in the overall design of the project as a stormwater management technique.
- 5) Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.
- 6) Clearly address how stormwater quality and quantity treatment will be provided. If the project is eligible for a Quantity Waiver, make the request in the stormwater narrative citing the specific regulation.
- 7) Indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during and after construction. The design of the sediment control and stormwater management plan, considerations should consider maintenance of any structures or facilities.
- 8) If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3,600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.
- 9) All ponds are required to be constructed per pond code 378.
- 10) If stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval.
- 11) Due to the proximity to sensitive areas, the Conservation District requires reinforced and super silt fence to adequately protect wetland areas during construction.
- 12) The District does not recommend clearing trees for the construction of a stormwater management pond. Quantity management is not required for this site; therefore, other green technology practices can be utilized for Quality Treatment that would allow for the forested area to remain. Please address.

Drainage

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

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

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

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

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

Floodplains

Portions of the property are within the 100-year floodplain. Buildings should be limited to areas outside the floodplain and above the base flood elevation. Filling within the floodplain must be in accordance with applicable floodplain regulations.

Forests

According to 2002 aerial photos there is a large forested area within this parcel that is a component of a contiguous stretch of forest. Large contiguous stretches of forest like this not only provide important water and air quality benefits, but provide important habitat

for many wildlife species that depend on interior forest. Clearing portions of the forest within the parcel risks the habitat value of the entire forest stretch.

A large continuous area of forest is recommended over small and disconnected areas of open space for wildlife habitat and forest preservation. Forest fragmentation separates wildlife populations, increases road mortality, and increases "edge effects" that leave many forest-dwelling species vulnerable to predation and allow infiltration of invasive species.

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 them.

Open Space

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

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

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and homeowner activities do not infringe upon them.

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 second request for a site visit.

Rare/Threatened/Endangered Species

The site lies within three miles of a known Delmarva fox squirrel (*Sciurus niger cinereus*) population at the Assawoman Wildlife Area. 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 (Trevor Clark , (410)573-4527) and Delaware Division of Fish and Wildlife, Nongame and Endangered Species Program (Holly Niederriter (302)653-2880); or
- 2) Conduct surveys to determine if Delmarva fox squirrels are present. In accordance with Delaware's procedures, 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. Please note that surveys may confirm the presence of fox squirrels but cannot confirm absence.

There are records of *Enneacanthus obesus* (banded sunfish), a state rare fish, within Dirickson Creek. This fish is restricted to heavily vegetated areas of water and uses these habitats as feeding areas and nurseries. Efforts should be made to avoid impacts to dense patches of aquatic vegetation within and adjacent to the project site in order to maintain habitat for this rare fish.

Because of the presence of this species this project lies within a State Natural Heritage Site. It does not lie within a Delaware National Estuarine Research Reserve, which is 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). The information above will aid the ACOE in making its determination.

Recreation

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

It is positively noted that pathways are planned with access to recreation amenities throughout the community. Community systems with long continuous trails, perimeter-only trails, and few access points often go unused and neglected. Low maintenance pervious surface such as crushed stone are recommended. For trail design/construction specifications, contact Susan Moerschel, (302) 739-9235.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact it will have on existing landfill capacity, the applicant is requested to estimate the amount of solid waste that will be generated as a result of construction and occupancy of this development.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

This proposal is to develop 56 units on 27 acres located on the west side of Old Mill Bridge Road at Dirickson Creek. According to the Strategies for State Policies and Spending, the site 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 Investment Level 1 and 2 areas. The proposal 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.

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

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- 1) Fire Protection Water Requirements:
 - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
 - Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
 - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains of fire hydrants and sprinkler systems.
- 2) Fire Protection Features:
 - All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
 - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - Show Fire Lanes and Sign Detail as shown in DSFPR
- 3) Accessibility
 - All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Old Mill Road must be constructed so fire department apparatus may negotiate it.
 - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- 4) Gas Piping and System Information
- Provide type of fuel proposed, and show size and location of bulk containers on plan.
- 5) Required Notes
- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Townhouse 2-hr separation wall details shall be shown on site plans
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture does not support this development within the Level 4 area, but recognizes the positive aspects of centralized wastewater and water services that have been planned for it. The Department encourages the developer to work with all agencies to minimize adverse impacts to the environment and offers its services to the developer in this regard.

Right Tree for the Right Place

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

Native Landscapes

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

Tree Preservation

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

Tree Mitigation

The Forest Service encourages the developer to implement tree mitigation at a 1:1 ratio within the site to replace trees lost in construction.

Department of Education – Nick Vacirca 739-4658

It is estimated that 56 dwelling units will generate 28 additional students for the Indian River 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.

Public Service Commission - Contact Andrea Maucher 739-4247

The project is within the Artesian Water Co. certificated water service territory. If the project connects to public wastewater services from Sussex County and lies outside the service territory established in October 2004, then the County must update the information it filed with 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 and location in the Level 4 and Environmentally Sensitive areas, 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. Portions of this property are located in the Special Flood Hazard Area inundated by the 100 and 500-year flood, (FIRM Map 655). This area could also experience possible flooding from a category 2 or greater hurricane. Routes 20, 54, and 113 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

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

The project is within the West Fenwick Planning Area as defined in the South Coastal Area Planning Study, Update 2004. Although the project is not contiguous to any County sewer districts, due to the close proximity of Dirickson Creek the Sussex County Engineering Department prefers a connection to the Sussex County wastewater system. The Sussex County Engineering Department opposes private treatment facilities within the South Coastal Area Planning Study boundary. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. A sewer concept plan must be approved prior to any construction plan review. A review of the treatment and disposal system is required by the Sussex County Engineering Department. The project request is for 56 units on 27.34 acres, which results in a gross density of 2.05 EDUs/acre. The County has no schedule to extend service to this project. All pipelines must be constructed in accordance with Sussex County Sewer Standards as well as the South Coastal Area Planning Study, Update 2004.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of

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the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

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

Constance C. Holland, AICP

Director

CC: Sussex County