



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

June 28, 2005

Mr. Mark Chura
Ocean Atlantic Associates
4101 Highway One
Rehoboth Beach, DE 19971

RE: PLUS Review 2005-05-18, Landings of Pepper Creek

Dear Mr. Chura,

Thank you for meeting with State agency planners on June 8, 2005 to discuss the proposed plans for the Landings of Pepper Creek project located on 36.49 acres on Clayton Street in Dagsboro. According to the information received, you are seeking to construct 336 residential units in the Level 1 and 2 areas.

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, the Town of Dagsboro is the governing authority over this land and the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

This section includes some site-specific highlights from agency comments found in this letter and is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *The applicants are responsible for reading and responding to this letter and all comments contained within it.*

Site Location/Strategies for State Policies and Spending

- The site is located within an Investment Level 1 and 2 area within the Town of Dagsboro according to the *Strategies for State Policies and Spending*. In Investment Level 1 and 2 areas, State policies support orderly, well planned development consistent in character with the surrounding area. We are pleased to see this proposal located within the Town of Dagsboro.

Streets & Roadways

- Right-of-way dedication will be required along the frontage of Clayton Street.
- A sidewalk or paved path will be required along the frontage of Clayton Street.

- The PLUS application states that 15-foot lanes are proposed for the entrance boulevard. Fifteen feet is undesirably wide for a single lane.
- Sidewalks should be included throughout the development.
- Additional bicycle/pedestrian connections should be provided between this parcel and General's Green.
- Regarding the roundabout, the two Dagsworthy Circle approaches are closer than seems optimal and should be moved farther apart.
- The parking layout should be revised to reduce the number of head-in parking spots that back directly onto streets.

Natural/Cultural Resources

- There are areas of high probability for prehistoric archaeological sites. If the stream crossing near the entrance requires a permit from the Army Corps of Engineers, you will be required to consult with the State Historic Preservation Office under Section 106 of the National Historic Preservation Act.
- Vegetated buffers of at least 100 feet should be employed from the wetlands.
- Given the sensitivity of the watershed, the applicant should seek to reduce impervious cover by using pervious paving materials.
- This project involves Sub 6 of Prong 2 of the Pepper Creek Tax Ditch. The tax ditch right-of-way is 25 feet from the top edge of the tax ditch on both sides. No permanent obstructions are to be located in this area.
- Portions of the site are within the 100-year floodplain. Dwellings should not be located within the floodplain.

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

This proposal is located within an Investment Level 1 and 2 area within the Town of Dagsboro according to the *Strategies for State Policies and Spending*. In Investment Level 1 and 2 areas, State policies support orderly, well planned development consistent in character with the surrounding area. We are pleased to see this proposal located within the Town of Dagsboro.

In November 2004, we reviewed the General's Green proposal for the neighboring property. At that time, we recommended that the developer work with developers of neighboring sites, including this one, to create a master plan including vehicular and bicycle/pedestrian connections rather than isolated developments. We are pleased to hear that you have done so and provided a connection and recommend that you continue to explore additional opportunities for connections, particularly along the northern boundary of the parcel. If additional vehicular connections are not practical, then we encourage additional bicycle and pedestrian connections between the properties.

At the PLUS meeting, you indicated concern about sewer constraints and asked the Office of State Planning Coordination to support development activities within municipalities by addressing limitations of sewer infrastructure. We have met with Sussex County and the Town of Dagsboro to discuss sewer limitations and interim solutions that could be put in place until additional sewer capacity is available. Town and

County staff and consultants have scheduled a subsequent meeting to continue this effort. We recognize your concerns and will continue to work toward solutions to support development in designated growth areas.

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

There are no known historic properties within the parcel and SHPO does not object to this development. The National Register-eligible Dagsboro Historic District is nearby, but substantially shielded from the site. There are areas of high potential for prehistoric archaeological sites on the northern side and at the narrowed entrance area. The potential for historic-period archaeological sites is very low. There are some historic properties near the entrance, mainly 20th-century houses. These are primarily related to earlier roadside development and not to farms so the entrance should not have any adverse visual effect on them.

The developer stated that there has been substantial moving, storing, and removing of soil, gravel, mulch, etc. on the parcel, so the area of best potential for archaeological sites is around the stream near the entrance. If the crossing of this stream requires an Army Corps of Engineers permit, the developer will be required to consult with SHPO under Section 106 of the National Historic Preservation Act of 1966 (as amended). The contact person for a Corps permit is Joan Larrivee. SHPO requests an opportunity to inspect the area before construction to see if any site exists.

Department of Transportation – Contact Bill Brockenbrough 760-2109

HKS, LLC seeks to develop a 336-unit residential complex, consisting of 82 townhouses and 254 residential condominiums, on an approximately 36.5-acre assemblage of parcels (Tax Parcel 2-33-11-264, 265.01 and 270). The land is located on the north side of Delaware Route 26 (Clayton Street), between the Norfolk Southern railroad tracks and US Route 13 in the Town of Dagsboro. The land is zoned HR (high density residential) in the Town and the development would be done by right. DelDOT comments are as follows:

- 1) Clayton Street is classified as a collector road. Right-of-way widths on collector roads vary but DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore right-of-way dedication will be required along the frontage to provide any additional width needed from this project.
- 2) DelDOT will require a sidewalk or a paved multi-modal path across the frontage of the site. Specific requirements will be determined by the Subdivision Manager for Sussex County, Mr. John Fiori, (302) 760-2260.
- 3) As noted in the response to Item 36 of the PLUS application DelDOT will require a traffic impact study (TIS) for this project. A scoping meeting was held for that study on April 21, 2005. Timelines vary, but typically a TIS takes about a year from the scoping meeting to the completion of DelDOT's review of the completed

- study. A TIS is in progress for the Generals Green development, which is proposed on the Smith Property, just west of the subject land. That fact may result in some efficiency in the TIS for this project.
- 4) The response to Item 37 on the PLUS application indicates that 15-foot lanes are proposed for the entrance boulevard. While that may be a reasonable width for the paved travelway, including shoulders, 15 feet is undesirably wide for a single lane. Striping could be used to create a 1-foot offset from the median, a 12-foot lane and two-foot outside shoulder. Additional comments will be offered in the review of the entrance plans for the project.
 - 5) The response to Item 40 on the PLUS application emphasizes trails and paths as opposed to sidewalks. Discussion at the PLUS meeting confirmed that the developer proposes to use trails and paths a substitute for sidewalks rather than as a supplement to them. DelDOT recommends caution in this regard. While trails and paths have their place, sidewalks also serve an important function because people often walk from one front door to another. It may be possible to provide fewer or shorter walkways by departing from the roadway in places, but pedestrians generally seek the shortest path and that path is often along the road. With regard to paving, while natural surfaces can be aesthetically pleasing, they generally require more frequent maintenance to keep them smooth and free of mud.
 - 6) While it is not a transportation comment, DelDOT questions the placement of the pool next to a storm water management pond. It would seem to put the pool at risk for contamination in flooding events and it could complicate the design of the walls for both facilities.
 - 7) From the discussion at the PLUS meeting, the developer proposes a street connection to the Generals Green development at the roundabout proposed near the development entrance. That connection will be a significant benefit to the residents of both projects and to the rest of the Town as well. The Town should require that connection and, if a suitable location can be found, at least one or more other street or bicycle/pedestrian connection between the two projects. These connections would allow trips between the two projects to be made without entering Clayton Street and trips between this development and Main Street (Delaware Route 20) north of Clayton Street to be made through the Generals Green development. The path for the latter trips should be sufficiently indirect to discourage cut-through traffic in Generals Green. However, given the seasonal congestion on Routes 20 and 26, it would be desirable to have the connection available for residents when it is needed.
 - 8) Again regarding the roundabout, the two Dagsworthy Circle approaches are closer together than seems optimal and should be moved farther apart.

- 9) The parking layout should be revised to reduce the number of perpendicular head-in parking spaces that back directly onto the streets, especially those opposite one another. Perpendicular head-in parking may be necessary in front of the dwellings but along the streets it disrupts traffic flow and can be a safety hazard. Good alternatives include parallel parking and the sort of small parking lots already shown on the plan.
- 10) As indicated above, Clayton Street is a State-maintained road. The developer's site engineer should contact DeIDOT's Subdivision Manager for Sussex County, Mr. John Fiori, (302) 760-2260 to discuss our specific requirements for access.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-3091

Soils

According to the soil survey update Klej, Hurlock, Mullica-Berryland complex, and were mapped in the immediate vicinity of the proposed construction. Klej is a somewhat poorly-drained transitional soil that is likely to contain both upland and wetland associated (hydric) soils. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Mullica-Berryland complex is a very poorly-drained wetland associated (hydric) that has the highest severity level for development.

Floodplains

Portions of this site are within the 100-year floodplain. It is recommended that dwellings not be located in the floodplain. Activities within the floodplain must be constructed to floodplain standards specified by the Town of Dagsboro.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on the site. These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances of homeowners.

Wetland Permitting Information

If wetland impacts are considered, note that impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. 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.

Impervious Cover

The amount of impervious cover (38%) should be reduced. Given the environmentally sensitive nature of this watershed, the applicant should devote more effort to employing innovative efforts or BMPs to reduce impervious cover. The applicant can reduce surface imperviousness by using pervious paving materials in lieu of asphalt or concrete and reducing the amount of forest cover removed.

ERES Waters

The site 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 this watershed, the regions are demarcated as high and low reduction zones. The high reduction zone corresponds to the western portion and requires a reduction of nitrogen and phosphorus by 85 and 65 percent, respectively. The low reduction zone corresponds to the eastern portion and requires a reduction of nitrogen and phosphorus by 40 percent. This project is proposed within the high nutrient reduction zone.

The inclusion of stormwater management and/or wastewater treatment areas in open space calculations may underestimate nutrient loading rates. In order to verify compliance, a full nutrient accounting process known as nutrient budget should be prepared by the applicant. Lyle Jones, Watershed Assessment Section can be contacted at

(302) 739-4590 for further information regarding acceptable protocol for calculating a nutrient budget.

Water Supply

Well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. 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) Due to the proximity to sensitive areas, the Sussex Conservation District will require reinforced and super silt fence to adequately protect wetland areas during the construction of the site.
- 2) A Certified Construction Reviewer (CCR) is required for this development. The District's CCR Policy can be found at www.SussexConservation.org.
- 3) The District will require a phased plan and sequence of construction for this project. DNREC regulations require no more than 20 acres to be disturbed at more time. Please address.
- 4) Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.
- 5) Consideration should be made for any adjacent properties during the design of this project, including drainage and erosion/sediment control.
- 6) 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.
- 7) 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.

- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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.

Drainage

Contrary to the answer to item 29 on page 4 of the PLUS application, this project involves Sub 6 of Prong 2 of the Pepper Creek Tax Ditch. The tax ditch right-of-way is 25 feet from the top edge of the tax ditch on both sides of the ditch. No permanent obstructions are to be located in this area. Future maintenance of the ditch will be performed with a large excavator and small bulldozer equipment. The project will require tax ditch approval for the stormwater interface to the tax ditch and assistance of the engineer with the Division of Soil & Water Conservation Drainage Section. Any crossings of the tax ditch will require review and approval.

All ditches on the property should be checked for function and cleaned if needed prior to the construction of homes. Wetland permits may be required in advance of ditch cleaning. Precautions should 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. Any drainage/utility easement owned by an individual landowner should not have structures, decks, buildings, sheds, kennels, fences or trees within it to allow for future maintenance.

It is strongly recommended that any 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.

Forests

Site plans show impacts to the forested area in the eastern and western portions of the site. Dwelling units and stormwater management ponds are proposed for construction within the forested area. The developer is strongly encouraged to preserve and enhance forested resources on site and should relocate all structures planned within this area.

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 so that residents understand their importance and homeowner activities do not infringe upon them.

Open Space

Lot lines and other infrastructure such as storm water management ponds should not be placed in the forest and areas of community open space should be designated along forested/riparian areas. This will expand the existing buffers, enhance value for birds and wildlife, and create recreational opportunities for residents.

In areas set aside for passive open space, the developer should establish additional forested areas or meadow-type grasses. These ecosystems increase infiltration into groundwater, decrease run-off into surface water, and improve the air quality. They also require much less maintenance than traditional turf grass, an important consideration of homeowner associations.

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

Rare Species

DNREC has not surveyed the site and there are no records of state-rare or federally listed plants, animals or natural communities on it. There are records of rare species within Pepper Creek that could be affected by run-off from this development if adequate (100 foot) buffers are not utilized.

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 50-foot buffer area around the perimeter are recommended. Waterfowl do not feel safe when they cannot see predators in the surrounding area. It is easier to control a few geese than to remove a plentiful population. Planting should be completed as soon as possible. The Division of Fish and Wildlife does not provide goose control services and residents will have to accept this burden (for example permit applications and fees, securing services of certified wildlife professionals). Solutions can be costly and labor intensive. Reducing the number and/or size of ponds and providing proper landscaping and monitoring techniques will minimize nuisance geese.

Recreation

In order to reduce impervious cover and because of the wet soils on this site, the use of a complete pathway system as presented is encouraged. Pedestrian and bike access to the main entrance and neighboring parcels to the north and west is recommended. For trail design/construction specifications, contact Susan Moerschel, (302) 739-9235.

Underground Storage Tanks

There are five inactive and one active LUST site(s) located near the proposed project, listed below. No environmental impact is expected from these sites. Should underground storage tanks or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. While changes to construction specifications are not expected as a result of unanticipated petroleum contamination, PVC pipe would need to be replaced by ductile steel in all contaminated areas.

Dagsboro Getty, Facility # 5-000324, Project # S9108178

Southern States Dagsboro, Facility # 5-000735, Project # S9308154

Delmarva Power Dagsboro, Facility # 5-000829, Project # S9511268

Bodies Dairy Market, Facility # 5-000331, Project # S9109195

1000 Main Street, Facility # 5-000837, Project # S9612214

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 25.8 tons (51,572.5 pounds) of VOC (volatile organic compounds), 21.3 tons (42,698.5

pounds) of NOx (nitrogen oxides), 15.8 tons (31,503.8 pounds) of SO2 (sulfur dioxide), 1.4 ton (2,804.4 pounds) of fine particulates and 2,157.0 tons (4,313,973.4 pounds) of CO2 (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 10.4 tons (20,801.5 pounds) of VOC (volatile organic compounds), 1.1 ton (2,288.8 pounds) of NOx (nitrogen oxides), 0.9 ton (1,899.4 pounds) of SO2 (sulfur dioxide), 1.2 ton (2,451.1 pounds) of fine particulates and 42.2 tons (84,324.8 pounds) of CO2 (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 4.1 tons (8,244.2 pounds) of NOx (nitrogen oxides), 14.3 tons (28,675.6 pounds) of SO2 (sulfur dioxide) and 2,114.8 tons (4,229,648.6 pounds) of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	25.8	21.3	15.8	1.4	2157.0
Residential	10.4	1.1	0.9	1.2	42.2
Electrical Power		4.1	14.3		2114.8
TOTAL	36.2	26.5	31.0	2.6	4314.0

For this project the electrical usage via electric power plant generation will produce an additional 4.1 tons of nitrogen oxides per year and 14.3 tons of sulfur dioxide per year. 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.

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:

- 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.
- 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)
- 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)
- 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 and Townhouses)

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

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 Clayton Street 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.

Department of Agriculture - Contact Mark Davis 739-4811

The Delaware Department of Agriculture has no objections to development of this site and encourages the developer to contact the office with questions. The site is located in Levels 1 and 2 where the state encourages appropriate residential, commercial and industrial growth. The developer should re-evaluate the design of the site with an eye toward improving connectivity to adjacent sites and the community at large.

Right Tree for the Right Place

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

Native Landscapes

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

Tree Preservation

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

Tree Mitigation

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

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

The proposal is to develop 336 multi-family units on 36 acres in Dagsboro. According to the *Strategies for State Policies and Spending*, the proposal is located in the Level 1 and 2 areas and inside the growth zone. DSHA supports this proposal located in an area where the state encourages development and because some units will be marketed for first-time homebuyers. This will help address the need for affordable homeownership in this area as identified in the 2003 Statewide Housing Needs Assessment.

Department of Education – Contact Nick Vacirca

It is estimated that 336 dwelling units will generate 168 additional students for the Indian River School District. Sussex County does not have school concurrence legislation at this time. The developer should submit a package to the school district for informational purposes.

If the development is approved and built, use the following information for school transportation planning. If there are homes more than 1/2 mile from the nearest public road (outside the development), developers should plan wide enough streets so that large school buses can access and turn around without backing from the furthest areas within the development. Should there not be any homes more than 1/2 mile from the nearest public road, provisions for appropriate pick-up and drop-off at the development entrance should be made. The developer should work closely with the school district transportation supervisor.

Public Service Commission - Contact Andrea Maucher 739-4247

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 large number of multi-family residential units being proposed, a 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 the Town of Dagsboro to keep them apprised of all development activities. A portion of the site, along Pepper Creek, is located in the Special Flood Hazard Area inundated by the 100 and 500-year flood, (FIRM Maps 467 and 486). This area could

also experience possible flooding from a category 2 or greater hurricane. Routes 26 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

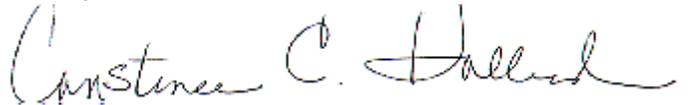
The proposed subdivision is within the Dagsboro-Frankford Sanitary Sewer District Boundary. This proposal has a density of 9.21 EDUs/acre. System Connection Charges will be due prior to connection to the sanitary sewer system. Sussex County must be provided with a concept plan for the project to ensure proper alignment for the proposed units and future expansion, as well as the proper alignment of the proposed water lines. Concept plan approval must be obtained prior to any review for sewer construction. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. The Sussex County Engineer will establish a connection point during the Ordinance 38 process.

Currently, capacity at the Piney Neck Treatment Facility is based on a density between 2.9 and 4.3 units per acre. Approving densities in excess of those planned will ultimately cause deficiencies in the capacity of the existing system. There is expected to be a limit on the number of units constructed per year due to capacity concerns at the Piney Neck Treatment Facility. The Sussex County Engineering Department is undertaking a sewer study to address capacity concerns and will contact the Town of Dagsboro concerning these limits. Results of the study should be available within 2 years. The developer must supply a construction schedule with an anticipated startup and completion/build out dates. 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 the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,



Constance C. Holland, AICP
Director

CC: Sussex County