



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 20, 2005

Mr. David C. Braun
Donovan Associates, Inc.
429 South Governors Avenue
Dover, DE 19904

RE: PLUS 2005-06-08, Church Hill Landing

Dear Mr. Braun,

Thank you for meeting with State agency planners on July 6, 2005 to discuss the proposed plans for the Church Hill Landing project to be located on Milford-Harrington Highway near Milford in Kent County. According to the information received, you are seeking to construct 50 residential units in the Level 4 area.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

This proposal is located in Investment Level 4 according to the *Strategies for State Policies and Spending*, and is outside of a designated growth area in the relevant certified county and municipal comprehensive plans. **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.**

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary 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.*

State Strategies/Project Location

- This project is proposed for an Investment Level 4 area according to the 2004 *Strategies for State Policies and Spending*. This project is also located outside of the Kent County growth zone. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

Natural and Cultural Resources

- This project impacts layers of the Livable Delaware Green Infrastructure area established under Governor Minner's Executive Order #61.
- This parcel has the potential to include a Federal rare species (swamp pink).
- The parcel is located adjacent to a sensitive headwater riparian area, and may contain wetlands and hydric soils.

Office of State Planning Coordination – Contact David Edgell 739-3090

This project represents a major land development that will result in 50 residential units in an Investment Level 4 area according to the 2004 *Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant municipal and county certified comprehensive plans. 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 130 new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and 100% of the cost of police protection in the unincorporated portion of Kent County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases. Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

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

SHPO opposes this development the Level 4 area. Development will have a destructive effect on the historic agricultural landscape and will have adverse effects on nearby

historic properties through the change in setting and the introduction of noise and visual changes. There is nothing of historical or archaeological significance known within the parcel and the potential for archaeological sites of any period is low. If development proceeds, SHPO recommends appropriate landscaping around the development to block the view from any remaining historic houses in the area.

Department of Transportation – Contact Bill Brockenbrough 760-2109

Sun Ray Holdings, LLC seeks to develop 50 single-family detached houses on an approximately 50.47-acre parcel (Tax Parcel MD-00-173.00-01-74.04-000). The subject land is located on the south side of Delaware Route 14, about two miles west of Milford, between Bloomfield Drive (Sussex Road 396) and Sandbox Road (Sussex Road 398). The land is zoned AC in Kent County and it would be developed by right.

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

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive Plans. The use of transfer of development rights where this growth management tool is available is encouraged. If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

The Department of Natural Resources and Environmental Control

Contact Kevin Coyle 739-9071

Investment Level 4 Policy Statement

This project is proposed for a Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified Comprehensive Plans. According to the *Strategies* this project is inappropriate in this location. In Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for

recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. DNREC encourages the use of transfer of development rights where this growth management tool is available.

This particular development certainly compromises the integrity of the *Strategies* and the preservation goals inherent in many of DNREC's programs. Of particular concern are: the project impacts two out of three layers of the Green Infrastructure map (cropland and forest), the potential presence of a Federal rare species (swamp pink), and the project's proximity to an excellent recharge area. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with the *Strategies for State Policies and Spending*.

Design Recommendation

Although the developer employs 25-foot buffers along the wetland edge, a buffer of 100 feet would mitigate the footprint from development activities. This 100-foot buffer would preserve some of the existing forest while providing wildlife corridors to the adjacent forest and adequate buffers along the wetland edge.

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.

Wetlands and Soils

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 that can be caused by homeowners.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands. Therefore, it is highly recommended that an Army Corps of Engineers approved field wetlands delineation be conducted before commencing any site development or construction on subject site.

The applicant should also be cautioned that an isolated wetlands jurisdictional assessment must be made by the ACOE, not a privately-paid wetlands consultant. The applicant or applicant's consultant should contact the ACOE for a final jurisdictional decision on such wetlands.

According to the Kent County soil survey, a large mapping unit of wetland associated hydric soils (Fallsington) bisects (north to south) throughout the central portion of this site.

Wetland Permitting Information

If wetland impacts are considered, please 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 at (302) 739-4691 to schedule a meeting.

TMDLs

The Watershed Assessment Section considers development in Level 4 areas or areas outside of designated growth zones, as scattered poorly-planned uncontrolled growth that threaten Delaware's quality of life and its environment. Of particular concern is how this uncontrolled growth is likely to increase nutrient runoff and hamper the State's ability to meet the nutrient reductions prescribed under the federally mandated Total Maximum Daily Load (TMDL) load program. Given these concerns and objections for building in Level 4 areas, the following comments are not intended to be construed as tacit approval for this project but rather demonstrate what the Section believes are minimally acceptable regulatory guidelines and/or recommendations to mitigate some of the expected environmental impacts.

- 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.
- The Watershed Assessment Section strongly recommends that a 100-foot upland buffer be maintained from all wetlands/watercourses.
- The Watershed Assessment Section believes that the applicants plan to remove large amounts of forested acreage (reported as 3.8 acres, but appears to be much more) to accommodate said development is excessive. Research has consistently shown that the clearing or subdividing a larger continuous forest into smaller fragments or blocks (fragmentation) – such as proposed in this project – usually results in substantial degradation of water and habitat quality within a given watershed.
- This project is immediately adjacent to a sensitive head water riparian area (Lednum Branch) which could potentially impact surface and groundwater quality and thus make it more difficult to achieve the future required TMDL reductions in the Mispillion subwatershed. Headwater streams and their associated wetlands are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system and/or waterbodies downstream (i.e., Mispillion & Delaware Bay). Since headwater streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority.
- The Watershed Assessment Section believes that the reported impervious cover figure (14%) for the projected imperviousness of this site is likely to be a significant underestimate of the actual generated imperviousness. However, regardless of the actual impervious cover figure, the Watershed Assessment Section still believes the applicant should reduce imperviousness to the greatest degree practicable. Use of pervious paving materials in lieu of asphalt or

concrete along with preservation and/or planting of trees, are examples of practical ways the applicant could help reduce surface imperviousness on this parcel. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

- Although TMDLs for the Mispillion subwatershed are not scheduled for completion until 2006, it is still possible that they may be legally applicable to this project. Given the project's scale along with the relative absence of proposed on-the-ground environmental safeguards (BMPs), reduces the possibility of meeting any future TMDL requirements.

Water Supply

The information provided indicates that Artesian Water Company will provide water to the proposed projects through a central public water system. Artesian Water Company does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at (302) 739-4247.

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. 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. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Water Resource Protection Areas

The DNREC Water Supply Section has determined that more than half of the proposed area falls within an area of excellent ground-water recharge (see attached map). The northern part of the proposed construction area is not in an excellent ground-water recharge area. According to the State law that created the Source Water Protection Program, county and municipal governments with more than 2,000 residents will be required to enact ordinances to protect Water Resource Protection Areas. Municipalities with fewer than 2,000 residents are encouraged to enact such ordinances. The following language has been excerpted from the Source Water Protection Guidance Manual for Local Governments, Supplement 1 - Ground-Water Recharge Design Methodology. While the local ordinances may not yet be in place, the developer may find the language useful in modifying the site plan to protect water resources.

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. Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water.

The location of the well should be carefully considered to limit the impact that the Source Water Protection Area will impact. Centrally locating the well within the development should limit the extent that adjacent property owners could be impacted. There are several locations within the development that achieve this goal. For more information, refer to:

[Source Water Protection Guidance Manual for the Local Governments of Delaware at http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html](http://www.wr.udel.edu/swaphome/phase2/SWPguidancemanual.html)

and

[Ground-Water Recharge Design Methodology at http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf](http://www.wr.udel.edu/swaphome/phase2/Publications/swapp_manual_final/swapp_guidance_manual_supp_1_2005_05_02.pdf)

Sediment and Erosion Control/Stormwater Management

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 as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Drainage

The Drainage Section does not have a clear understanding how stormwater will be conveyed to the stormwater management area. With concerns for future maintenance of drainage conveyances, the Drainage Section requests the majority of the stormwater pipes on this project be located on drainage and utility easements along the streets.

The Drainage Section requests the routing of major stormwater pipes through yards be prohibited. For lack of regular maintenance and access, the Drainage Section discourages the placement of catch basins in the rear and side yards. The Drainage Section promotes the elevation of rear yards to direct stormwater towards the street for accessible maintenance of stormwater pipes.

The Drainage Section does not have a clear understanding where the proposed stormwater management area will outlet. The application states the proposed outlet for stormwater from this site is an intermittent stream on the east property line. The stormwater management area is on one side of the property and the proposed outlet is on the other.

The Drainage Section requests the wetland buffers on this project be open space. During prolonged wet periods the wetland buffer may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, and kennels placed within the buffer thereby reducing nuisance drainage complaints.

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Section requests the existing ditches be checked for function and blockages prior to the construction of homes. The Drainage Section recommends the practice of "select cutting" of trees within the proposed wooded lots to save as many trees as possible.

Forests

According to 2002 aerial photos there is a forested area in parcel. The developer is strongly encouraged to preserve and enhance forested resources on site. This includes removing lot lines and infrastructure (such as storm water management ponds) from forested areas to the extent possible and minimizing any clearing activities. The forested areas on-site should be viewed as a community asset and managed appropriately.

There are numerous opportunities on this site to improve the function of forested buffers, particularly along the western edge of the parcel. The developer should consider placing this forest into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

Open Space

PLUS materials indicate that 18.5067 acres are proposed for 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. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces. PLUS materials state that 13.9499 acres on-site will be permanently protected. This area designated for permanent protection should be demarked to avoid infringement by homeowners.

Rare Species/Site Visit Request

DNREC has not surveyed this parcel, but there is potential for the federally threatened swamp pink (*Helonias bullata*) to occur within the forested wetlands on this property. The

project site should be surveyed for the presence of this federally protected plant. Please contact our program botanist, Bill McAvoy, at (302) 653-2880 to set up a site visit. His observations would allow us to make more informed comments and allow the applicant the opportunity to avoid impacts to rare species.

Potential Hunting Issue

Because the project parcel is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100yds of a dwelling is prohibited and the applicant may want to contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100yds of their property for hunting if there is not buffer between lot lines and the adjacent property line.

Nuisance Waterfowl

Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50ft) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 3.8 tons (7,674.5 pounds) per year of VOC (volatile organic compounds), 3.2 tons (6,353.9 pounds) per year of NO_x (nitrogen oxides), 2.3 tons (4,688.1 pounds) per year of SO₂ (sulfur dioxide), 0.2 ton (417.3 pounds) per year of fine particulates and 321.0 tons (641,960.3 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 1.5 tons (3,095.5 pounds) per year of VOC (volatile organic compounds), 0.2 ton (340.6 pounds) per year of NO_x (nitrogen oxides), 0.1 ton (282.6 pounds) per year of SO₂ (sulfur dioxide), 0.2 ton (364.7 pounds) per year of fine particulates and 6.3 tons (12,548.3 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 0.6 tons (1,226.8 pounds) per year of NO_x (nitrogen oxides), 2.1 tons (4,267.2

pounds) per year of SO₂ (sulfur dioxide) and 314.7 tons (629,412.0 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	3.8	3.2	2.3	0.2	321.0
Residential	1.5	0.2	0.1	0.2	6.3
Electrical Power		0.6	2.1		314.7
TOTAL	5.3	4.0	4.5	0.4	642.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.6 tons of nitrogen oxides per year and 2.1 tons of sulfur dioxide per year. A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into 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 energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. It is recommended that this project development and other residential proposals increase the energy efficiency of their homes.

State Fire Marshal’s Office – Contact Duane Fox 739-4394

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. 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):

a. **Fire Protection Water Requirements**

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

- 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.
- b. **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
- c. **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 Milford-Harrington Highway 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.
- d. **Gas Piping and System Information**
- Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **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)
- 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 Milton Melendez 698-4500

The Delaware Department of Agriculture opposes the Church Hill Landing application due to the project's proximity to properties that have high agricultural value. The Department of Agriculture encourages the use of this property to be consistent with that of the surrounding agricultural parcels. The project is also located in a designated Level 4 area, on which the State of Delaware promotes agricultural and natural resource preservation.

The Delaware Forest Service in cooperation with the Office of State Planning recognizes that this proposed development falls within a Level 4 area. As defined, a Level 4 area is one least likely to receive any state monies to support the needed infrastructure to sustain this proposed community. The Delaware Forest Service reserves the right to comment on this development at this time.

The Delaware Forest Service encourages the developer to seek other use for this site that is supportive of the agriculture resources found in and around this site. The Delaware Forest Service offers its assistance to develop these new uses, to learn more please contact our offices at (302) 349-5754.

Public Service Commission - Contact Andrea Maucher 739-4247

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

expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

Delaware State Housing Authority – Contact Jimmy Adkins 739-4263

This proposal is to develop 50 units on 50 acres located on the south side of Milford-Harrington Highway and west of Milford. According to the *Strategies for State Policies and Spending*, the proposal is located in a 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 Level 1 and 2 areas outlined in the *Strategies*. The proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State would like to see new residential development.

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,



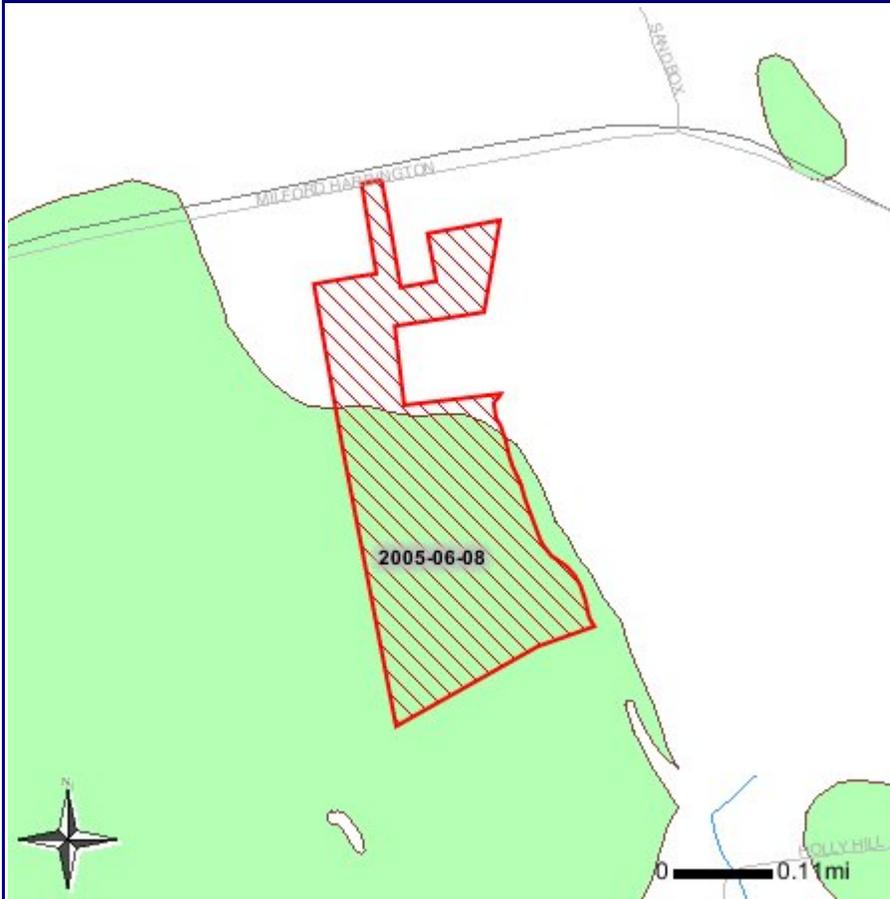
Constance C. Holland, AICP
Director

CC: Kent County



Church Hill Landing

2005-06-08



- PLUS Projects
- NHD Polys
- NHDFlowLine
- All Roads
- Major Roads
- Excellent Recharge Areas
- Lakes/Rivers/Bays
- Towns
- Counties
- State of Delaware

This map was produced by the Delaware Department of Natural Resources and Environmental Control.

