



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

July 12, 2005

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

RE: PLUS Review 2005-06-18, Gallery Pointe

Dear Mr. Braun,

Thank you for meeting with State agency planners on June 22, 2005 to discuss the proposed plans for the Gallery Point project located on 176.10 acres on Tharp Road in Seaford. According to the information received, you are seeking to construct 423 residential units and a shopping center in the Level 2 and 3 areas.

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

### **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 proposed development is located within an Investment Level 2 and 3 area according to the *Strategies for State Policies and Spending*, and within the City of Seaford. State policies support development in municipal areas, although we note that the presence of Investment Level 3 is indicative of sensitive natural resources on-site, specifically the forested and wetland areas.

- The project site is within DE-0109 and DE-1007, the Krewatch Farm Site and Krewatch-Phii. The City of Seaford should issue no development approvals until it is verified by the Site Investigation and Restoration Branch that the applicant has met with them and that any concerns about development of the site have been appropriately addressed.

### **Street Design and Transportation**

- Right-of-way dedication will be required along the frontage of Tharp Road.
- A sidewalk or paved multi-modal path should be provided across the frontage of the site.
- At a minimum, DelDOT anticipates requiring the developer to contribute toward the construction of the service road (shown as “Corridor Preservation Road”), and may require the developer to build a portion of it.
- The City should not approve any development plans for the site until the traffic impact study is complete and reviewed by DelDOT.
- The parking lot should be redesigned to improve safety and traffic flow.
- The development plan should be revised to eliminate light, noise and trash impacts on residential uses on the south side of Tharp Road.

### **Natural and Cultural Resources**

- At least a 100-foot buffer should be left in tact along Clear Brook.
- Impervious cover should be minimized where possible. The use of pervious alternatives to asphalt and concrete may help to reduce impervious cover.
- Filling, construction activities and buildings should be kept out of the 100-year floodplain. Any development in the floodplain requires approval by Sussex County and must conform to Seaford’s floodplain regulations.
- Clearing of forest should be minimized. Where tree removal is necessary, the developer should mitigate by planting trees on-site or elsewhere in the community.

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

This proposed development is located within an Investment Level 2 and 3 area according to the *Strategies for State Policies and Spending*, and within the City of Seaford. State policies support development in municipal areas, although we note that the presence of Investment Level 3 is indicative of sensitive natural resources on-site, specifically the forested and wetland areas. Additionally, the project proposal is within two Site Investigation and Restoration Branch (SIRB) sites, which is addressed in the DNREC comments.

We ask that the developers utilize concepts from the publication *Better Models for Development in Delaware* (copy enclosed) in proceeding with the design of the proposal. Specifically, we recommend that the project design include bicycle and pedestrian connectivity between the residential and commercial portions of the site, and preservation of forested and riparian areas, as reflected in other agency comments.

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

There is one historic property on the site, a dwelling on Tharp Rd. (S-6111), and another across Tharp Rd. from the site (S-6110). On Beer's Atlas of 1868, there is one property shown, the J. McCreight House, which may be in the same location as S-6111; there could be historic-period archaeological resources associated with the 19<sup>th</sup>-century house. There are known prehistoric sites in the area, with part of the property in a high-potential zone for prehistoric archaeological sites.

SHPO requests the opportunity to document the buildings before they are demolished and to inspect the area for archaeological sites to learn about their character prior to any construction.

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

Circle J Developers, LLC seeks to develop a mixed-use complex, consisting of 129 single-family detached houses, 304 duplex houses, and a 145,450 square foot shopping center, on an approximately 176.106-acre parcel (Tax Parcel 3-31-6.00-5.00). The land is located on the north side of Tharp Road (Sussex Road 534) in the City of Seaford and more generally on the northeast side of that town. The land is zoned R1 and R2 in the City and the development would be done by right.

- 1) Tharp 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 minimum right-of-way widths of 30 feet from the centerline on local roads. Therefore right-of-way dedication will be required along the frontage to provide any additional width needed from this project.

- 2) A sidewalk or a paved multi-modal path should be provided across the frontage of the site. Specific requirements will be determined by the Subdivision Manager for Sussex County, Mr. John Fiori. He can be reached at (302) 760-2260.
- 3) One of the proposed access points is on a "Corridor Preservation Road". In actuality, this road is part of a system of service roads for which DelDOT developed concept plans several years ago as part of the Corridor Capacity Preservation Program. This project is one of several pending projects that would use this particular service road for access. At a minimum DelDOT anticipates requiring the developers to contribute toward the construction of this road, and may require them to build a portion of it.
- 4) DelDOT requires a traffic impact study (TIS) for this project and that study is in progress. Because the developer's engineer is doing the study, DelDOT can't be certain when it will be complete but anticipates commenting to the City on the completed report in about six months. The City should not approve site plans for the proposed development without first reviewing the results of that study.
- 5) The PLUS application indicates that a 145,450 square foot shopping center is contemplated. However, the preliminary TIS for this project addresses a 160,000 square foot shopping center, a 50,000 square foot cinema, a 15,000 square foot high turnover sit-down restaurant, and a 15,000 square foot video arcade, which could reasonably be considered a 240,000 square foot shopping center. Which is correct?
- 6) DelDOT has concerns about the parking layout shown on the plan for the shopping center. In the aisle closest to the storefronts, there is no parking on the storefront side and a row of perpendicular head-in parking along opposite side. Such an arrangement is undesirable for both safety and traffic flow. If the intent is to calm traffic along the main aisles or to keep parking available near the storefronts, either angled parking or parallel parking along both sides of the aisle closest to the storefronts is preferred. If perpendicular parking is important, the lot should be redesigned so that head-in parking spaces are located on secondary aisles, with those aisles perpendicular to the storefronts. Such arrangements necessarily require more space, but the benefits to the shopper are significant.
- 7) As indicated above, Tharp Road is a State-maintained road. The developer's site engineer should contact DelDOT's Subdivision Manager for Sussex County, Mr. John Fiori, at (302) 760-2260 to discuss specific requirements for access.

**Department of Natural Resources and Environmental Control**

**Contact Kevin Coyle 739-3091**

**Soils**

According to the Sussex County soil survey, Evesboro, Rumford, Pocomoke, Johnston, and Swamp were mapped in the immediate vicinity of the site. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Rumford is a well-drained upland soil that, generally, has few limitations for development. Pocomoke, Johnston, and Swamp are very poorly-drained wetland associated (**hydric**) soils of bottomlands and/or floodplains.

**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. At least a 100-foot buffer should be left intact along Clear Brook. The developer should note that both DNREC and the Corps of Engineers discourage allowing lot lines to contain wetlands to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances of homeowners.

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

**Wetland Permitting Information**

If wetland impacts are considered, note that impacts to wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. Because there is strong evidence that federally-regulated wetlands exist on the site, a wetlands delineation should be conducted in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1). The delineation

should then be verified Corps of Engineers through the Jurisdictional Determination process.

The PLUS application indicates that a road crossing will run through the stream on the site. Impacts to streams and associated riparian wetlands, including road crossings, are regulated by the DNREC Division of Water Resources Subaqueous Land Section and by the Army Corps of Engineers.

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 shown in the plan (approximately 34%) should be reduced. Use of pervious materials in lieu of asphalt and concrete significantly reduces pollutant-laden surface runoff into wetlands and streams. Research has consistently shown irreversible declines in water and habitat quality when watersheds exceed 10 percent imperviousness.

### **ERES Waters**

The site is located adjacent to environmentally sensitive receiving waters (Nanticoke River) of the Chesapeake Bay Watershed 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 Nanticoke River subwatershed of the Chesapeake Bay 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. In the Chesapeake Watershed, target-rate-reductions of 30 and 50 percent will be required for nitrogen and phosphorus respectively. 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.”

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**

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.

As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies. This action will help achieve the required TMDL reductions for the Nanticoke watershed.

### **Drainage**

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.

### **Floodplains**

Portions of the site are within the 100-year floodplain. Filling, construction activities and buildings should be kept out of the floodplain. Development activities in the floodplain require approval by Sussex County and must conform to Seaford's floodplain regulations.

### **Forests**

The PLUS application indicates that 25 acres of immature forest photographed in 2002 will be removed. This forest clearing should be minimized to the fullest extent possible because the area provides important water quality, air quality and habitat benefits to the site itself and to the region.

The application also indicates that an additional 67.5 acres of forest will be removed for construction activities. This forest is adjacent to a large forested parcel and is part of a large riparian corridor along Clear Brook which is close to a series of private and State conservation areas leading to Redden State Forest. As such, the forest on the subject site is an important component of a much larger system. Clearing trees here will cause fragmentation of the larger forest, resulting in a significant decrease in habitat value.

The developer is strongly encouraged to preserve and enhance the forested resources on the site by minimizing clearing activities and removing lots and associated infrastructure, such as storm water management ponds, from forested areas. These areas should be viewed as community assets and managed appropriately. 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. Reforestation of the open space is strongly recommended to increase the buffer zone and decrease homeowners' long-term maintenance costs.

### **Open Space**

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 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 clearly marked to avoid infringement by homeowners.

### **Rare Species**

The Delaware Natural Heritage Program botanist requests the opportunity to survey the forested 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 rare species. Contact Bill McAvoy at (302) 653-2880.

### **Potential Hunting Issue**

Because portions of the site are part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited. The applicant should contact adjacent landowners who may lose 100 yards of property for hunting if a buffer is not provided between lot lines and adjacent property lines.

### **Nuisance Geese**

Ponds will likely attract resident waterfowl like Canada geese and mute swans. Typical methods of goose control utilized on golf courses are not advisable. It is easier to control a few geese than to remove a plentiful population. The best method is one of prevention. Native tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around the perimeter of ponds are recommended. Planting should be completed as soon as possible. Waterfowl do not feel safe when they cannot see possible predators in the surrounding area. 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**

The developer should minimize the number of parking spaces in the middle of the project and provide bike racks in the commercial areas to encourage bike/pedestrian movement.

### **Site Investigation and Restoration**

The project site is within DE-0109 and DE-1007, the Krewatch Farm Site and Krewatch-Phii. Before providing detailed comment, DNREC staff would like to discuss remediation that has occurred on the site and details of the development proposal. The Site Investigation and Restoration Branch can be reached at (302) 395-2600 to schedule a meeting. The City of Seaford should issue no development approvals until it is verified by the Site Investigation and Restoration section that the applicant has met with them and that any concerns about development of the site have been appropriately addressed.

### **Underground Storage Tanks**

There are no LUST site(s) located near the proposed project. 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.

### **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 its impact on existing landfill capacity, the applicant should estimate the amount of solid waste that will be generated as a result of construction and occupancy.

### **Air Quality**

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Annual vehicle emissions associated with this project at completion are estimated to be 32.5 tons of VOC (volatile organic compounds), 26.9 tons of NO<sub>x</sub> (nitrogen oxides), 19.8 tons of SO<sub>2</sub> (sulfur dioxide), 1.8 tons of fine particulates and 2,715.5 tons of CO<sub>2</sub> (carbon dioxide).

Annual emissions from area sources associated with this project at completion are estimated to be 13.1 tons of VOC (volatile organic compounds), 1.4 tons of NO<sub>x</sub> (nitrogen oxides), 1.2 tons of SO<sub>2</sub> (sulfur dioxide), 1.5 tons of fine particulates and 53.1 tons of CO<sub>2</sub> (carbon dioxide).

Annual emissions from electrical power generation associated with this project at completion are estimated to be 5.2 tons of NO<sub>x</sub> (nitrogen oxides), 18.1 tons of SO<sub>2</sub> (sulfur dioxide) and 2,662.4 tons CO<sub>2</sub> (carbon dioxide).

	VOC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile	32.5	26.9	19.8	1.8	2715.5
Residential	13.1	1.4	1.2	1.5	53.1
Electrical Power		5.2	18.1		2662.4
TOTAL	45.6	33.5	39.1	3.3	5431.0

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

For this project the electrical usage via electric power plant generation will produce an additional 5.2 tons of nitrogen oxides per year and 18.1 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**

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):

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. (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 Tharp 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](http://www.delawarestatefiremarshal.com).

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

The Delaware Department of Agriculture has no objections to the Gallery Pointe site plan. The Department encourages the applicant to contact the Forest Service at (302) 698-4500 with any questions concerning tree preservation and tree planting opportunities within the site.

The Delaware Forest Service encourages the developer to assist the City of Seaford in maintaining its nationally recognized Tree City USA status. A Tree City USA community is one that is committed to expanding and enhancing its forest resources. Development of the site as proposed will have an impact on the city's forest resources, and the developer should mitigate by planting trees within the site and throughout the community.

### **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 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**

According to the *Strategies for State Policies and Spending*, the site is located in the Level 2 and 3 areas and inside the growth zone. DSHA encourages residential development in areas where residents will have proximity to services, markets, and employment opportunities such as found in these areas.

Although the City of Seaford has significant affordable housing needs, the proposal does not target first time homebuyers. The 2003 Statewide Housing Needs Assessment indicates that of the 8,464 units in the Seaford County Census Division, 584 are substandard and 3,404 are occupied by low-income households. In addition, the Seaford area is experiencing rapid price increases. The median housing price was \$181,828 in the first quarter of 2005, well above the affordability level of low- and moderate-income

households earning 80% of area median income (\$40,720). Providing more affordable units will help address the area's affordable housing needs.

**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.

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

Although the site is entirely within the City of Seaford it directly impacts County properties outside City limits. Therefore, the development plan should be revised to eliminate light, noise and trash impacts on residential uses on the south side of Tharp Road. This can be accomplished by moving commercial parking to the rear of the buildings and placing the buildings closer to the street *or* with a natural visual and sound buffer between parking and residences.

**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,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

CC: Sussex County