



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

December 16, 2005

Mr. Gary Cuppels
ECI
220 Rehoboth Avenue
P.O. Box 820
Rehoboth Beach, De 19971

RE: PLUS review – PLUS 2005-11-19; Oak Creek Subdivision

Dear Mr. Cuppels:

Thank you for meeting with State agency planners on November 22, 2005 to discuss the proposed plans for the Oak Creek Subdivision project to be located east of Old Landing Road. According to the information received, you are seeking an RPC for the current MR zoning to allow for 228 residential units on 115.29 acres. Specifically, you are seeking the RPC overlay to reduce the setback requirement on the lots. It is our understanding that if you can obtain the same relief through a variance application you have filed, the rezoning application will be dropped.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. These comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will need to comply with any Federal, State and local regulations regarding this property. As Sussex 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.

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

The project is proposed for an Investment Level 3 area according to the *Strategies for State Policies and Spending*, with a small portion in Investment Level 2. It is also in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas, State policies support sustainable development that is sensitive to natural resources on and surrounding the site.

Street Design and Transportation

A traffic impact study (TIS) was done for the development under the name Warrington Property. The DelDOT consultant at that time, DMJM+HARRIS, reviewed that study and provided findings in a letter dated November 10, 2004, which was sent to the Sussex County Planning & Zoning Commission on November 18, 2004. The letter, copy enclosed, recommends a list of eleven numbered items that the County should require of the developer. Subsequently on December 16, 2004, DelDOT wrote to the Planning & Zoning Commission to recommend that items 5 through 10 on that list not be required of the developer.

There are four locations where streets would end permanently without cul-de-sacs or other turnarounds. These situations should be eliminated.

Natural and Cultural Resources

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on 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 project is located directly adjacent to headwater or near headwater riparian wetlands associated with White Oak Creek, greatly increasing the probability of harmful impacts to surface and groundwater quality of all waters within the greater Inland Bays watershed and making it difficult for the State to achieve future required TMDL nutrient reductions. Headwater streams and associated wetlands are important for the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. In recognition of these environmental concerns, the Watershed Assessment Section strongly urges the applicant to consider preserving the existing

natural buffer in its entirety. Otherwise, a 100-foot upland buffer width is the recommended minimum.

Based on a preliminary evaluation of the project, the development as currently conceived **does not** meet the prescribed TMDL nutrient reduction requirements for nitrogen and phosphorus. The applicant is strongly advised to consider the use of appropriate BMPs and Best Available Technologies (BATS) to ensure compliance.

Portions of the proposed project are located within the 100-year floodplain. It is recommended that development be limited to areas outside of the 100-year floodplain.

According to 2002 aerial photos there is a forested area on the parcel. PLUS materials indicate that 42.3 acres will be removed. The forest provides important riparian habitat, wildlife connectors, and air and water quality benefits. The forest tract is extremely beneficial to the region. Fragmentation of the forest can have irreversible effects to the regional ecosystem. Efforts should be made to preserve forest on the site, and the developer should mitigate for trees removed.

The following is complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend

The project is proposed for an Investment Level 3 area according to the *Strategies for State Policies and Spending*, with a small portion in Investment Level 2. It is also in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas, State policies support sustainable development that is sensitive to natural resources on and surrounding the site. We understand based on discussion at the PLUS meeting that this is an approved subdivision, but that the developer is pursuing either a rezoning to MR-RPC or a variance to change the setbacks required so that it will be consistent with the adjacent subdivision.

We are concerned that the site plan presented includes lots that contain significant non-jurisdictional wetlands. On many of these lots (located on Creekside Drive near Old Landing Road), the building footprint appears to be in the wetlands. Regardless of whether there is federal jurisdiction over the wetlands, this has the potential to create serious problems for homeowners in the future.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

A prehistoric-period archaeological site (S-601) is located on the northeastern part of the parcel and there may be other prehistoric-period sites south. The 1918 USGS 15' Rehoboth map shows a farmstead near the road in the center of the parcel. The parcel is

located in an area of known 17th-c. and 18th-c. archaeological sites, so the potential for an early historic-period site here is fairly high. The DHCA would appreciate an opportunity to look for the known site and for other possible sites, and learn something about their location, extent, and nature before any ground-disturbing activities occur.

The developer should be aware that a number of small, rural, family cemeteries and prehistoric-period burials have been found nearby or in similar settings. Disturbance of unmarked human remains (prehistoric and historic) is governed by state law, the Unmarked Human Remains Act of 1987, and would involve delay to construction activities if found unexpectedly. The developer is advised to contact Faye Stocum at 302-736-7400 to discuss this issue.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) A traffic impact study (TIS) was done for the development under the name Warrington Property. The DelDOT consultant at that time, DMJM+HARRIS, reviewed that study and provided findings in a letter dated November 10, 2004, which was sent to the Sussex County Planning & Zoning Commission on November 18, 2004. The letter, copy enclosed, recommends a list of eleven numbered items that the County should require of the developer. Subsequently on December 16, 2004, DelDOT wrote to the Planning & Zoning Commission to recommend that items 5 through 10 on that list not be required of the developer.
- 2) Referring to the November 10, 2004, letter, item 1 on the list of recommendations concerned the Western Parkway, a planned limited access roadway through the area. Specifically, it recommended that a phasing plan acceptable to DelDOT be developed “such that DelDOT has sufficient opportunity to identify and purchase any rights-of-way from the southern portion of the property which may be needed for the development of the Western Parkway”. This recommendation is no longer applicable. DelDOT anticipated identifying a preferred alignment in early 2005 and, while they have not done so yet, none of the remaining alignments would directly affect the development in respect to the acquisition of land. The closest one follows Fairway Drive in Old Landing Woods and stops at Old Landing Road. DelDOT is working with developers to preserve the corridors that are still being considered. Mr. Monroe Hite of the Project Development Section is managing this effort. If the developer needs more information he may contact Mr. Hite at (302) 760-2120.
- 3) Referring to the November 10, 2004, letter, items 2 and 4 on the list of recommendations respectively were that the developer enter a signal agreement for, and construct turning lanes at, the intersection of Old Landing Road, Warrington Road (Sussex Road 275) and Strawberry Way. A signal and other traffic control

devices are being investigated as a replacement for the existing four-way stop condition. The developer will be asked for a contribution construction equivalent to the cost of a signal, regardless of what traffic control is selected.

- 4) Old Landing Road is classified as a local road. Local road rights-of-way vary but are generally at least 33 feet wide. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on collector roads. Therefore right-of-way dedication along the frontage to provide any additional width needed from the project will be required.
- 5) DelDOT requires that sidewalks or a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site. A final determination on which form of path should be provided in which location will be made later in the plan development process.
- 6) There are four locations where streets would end permanently without cul-de-sacs or other turnarounds. These situations should be eliminated.
- 7) The developer's site engineer should contact Mr. John Fiori, the Subdivision Manager for Sussex County, regarding specific requirements for access. He may be reached at (302) 760-2260.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Soils

Based on the Sussex County soil survey update Downer, Greenwich, Ingleside, Hammonton, Fallsington, Zekiah-Longmarsh, Puckum mucky peat, and Mispillion-Transquaking were mapped on the parcel. Downer, Greenwich, and Ingleside are well-drained upland soils that have few limitations for development. Hammonton is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Zekiah-Longmarsh, Puckum mucky peat, and Mispillion-Transquaking are very poorly-drained wetland associated (hydric) soils that have the highest severity level for development.

Construction of a residential development in naturally wet soils, such as proposed in this project, is likely to leave potential residents significantly susceptible to flooding events during extended periods of intense rainfall from tropical storms, hurricanes or

“nor’easters.” Avoidance of hydric soil mapping units is one way to prevent potential future flooding problems.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on 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.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have 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 that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the USDA. The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA, 302- 678-4182.

The project is located directly adjacent to headwater or near headwater riparian wetlands associated with White Oak Creek, greatly increasing the probability of harmful impacts to surface and groundwater quality of all waters within the greater Inland Bays watershed and making it difficult for the State to achieve future required TMDL nutrient reductions. Headwater streams and associated wetlands are important for the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. The Watershed Assessment Section strongly urges the applicant to consider the preserving the existing natural buffer in its entirety. Otherwise, a 100-foot upland buffer width is the recommended minimum.

Wetland Permitting Information

PLUS application materials indicate that wetlands have been delineated (presumably a field delineation). This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process. The PLUS application indicates that this has been done. Please note that impacts to palustrine wetlands are regulated by the

Army Corps of Engineers through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are non-jurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached at 302-736-9763.

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) 739-9943 to schedule a meeting.

Impervious Cover

Since residential development significantly increases the amount of impervious cover, leading to large volumes of contaminant-laden runoff which ultimately drains into streams or waterways, the applicant is strongly urged to pursue both natural and constructed Best Management Practices (BMPs) to reduce such impacts. Reducing the amount of impervious surfaces by planting/preserving more trees and the use of pervious paving surfaces in lieu of asphalt or concrete are examples of ways to reduce such impacts. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

ERES Waters

The project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 5.6 of Delaware's "Surface Water Quality Standards" (as amended July 11, 2004), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). BMPs as defined in subsection 5.6.3.5 expressly authorize the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, to a standard requiring no discharge of pollutants.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. 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 required by federal law, states are charged with developing and implementing standards to support these desired use goals. The project is located in the **low** nutrient reduction area requiring a 40 percent reduction in nitrogen and phosphorus.

TMDL Compliance through the PCS

The proposed pollution control strategy will require the completion of a nutrient budget to estimate nutrient load changes following development. Documentation of these load changes will be assessed through a nutrient budget protocol. The nutrient budget protocol is a computer-based model that quantifies post-development nutrient loading under a variety of land use scenarios in combination with a variety (or absence) of BMP types and intensities. The post-development loading rate is then compared with the pre-development loading rate to assess whether the project meets the prescribed TMDL nutrient load reductions. Based on a preliminary evaluation of this project, the development as currently conceived **does not** meet the prescribed TMDL nutrient reduction requirements for nitrogen and phosphorus. The applicant is strongly advised to consider the use of appropriate BMPs and Best Available Technologies (BATs) to ensure compliance. Examples of BMPs or BATs to significantly reduce nutrient loading from this project include practices that prevent or mitigate for surface imperviousness, significant reductions in forest cover removal, maintenance of recommended wetland buffers, use of innovative or “green-technology” stormwater methodologies, and use of performance-based wastewater disposal systems or connection to public sewer. The applicant should verify compliance with the specified TMDL loading rates by running the model. Contact Lyle Jones of Watershed Section at 739-9939 for the acceptable model protocol.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. 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. For questions concerning these comments, please contact Rick Rios at 302-739-9944.

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 the Sussex Conservation District. Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees. 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.

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. Green Technology BMPs must be given first consideration for stormwater quality management. Each stormwater management facility should have an adequate outlet for release of stormwater.

It is strongly recommended that the applicant contact the Sussex Conservation District to schedule a preliminary 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.

Floodplains

Portions of the proposed project are located within the 100-year floodplain. It is recommended that development be limited to areas outside of the 100-year floodplain.

Forest Preservation

According to 2002 aerial photos there is a forested area in this parcel. PLUS materials indicate that 42.3 acres will be removed. The forest provides important riparian habitat,

wildlife connectors, and air and water quality benefits. The forest tract is extremely beneficial to the region. Fragmentation of this forest can have irreversible effects to the regional ecosystem. Lot lines should be redesigned to avoid all impacts to the forested area. The developer is strongly encouraged to preserve and, where possible, enhance forested resources on the 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 should be viewed as a community asset and managed appropriately. Forested areas set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. They should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon them.

Open Space

To maximize the existing buffering capacity and wildlife habitat lot lines and other infrastructure (such as storm water management ponds) should be pulled out of the forest and community open space should be designated along the forested/riparian areas. Doing so will accomplish two things: it will preserve and expand the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

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. Open space containing forest and/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.

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 be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 17.5 tons (34,995.6 pounds) per year of VOC (volatile organic compounds), 14.5 tons (28,974.0 pounds) per year of NOx (nitrogen oxides), 10.7 tons (21,377.6 pounds) per year of SO2 (sulfur dioxide), 1.0 ton (1,903.0 pounds) per year of fine particulates and 1,463.7 tons (2,927,339.1 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 7.1 tons (14,115.3 pounds) per year of VOC (volatile organic compounds), 0.8 ton (1,553.1 pounds) per year of NOx (nitrogen oxides), 0.6 ton (1,288.9 pounds) per year of SO2 (sulfur dioxide), 0.8 ton (1,663.2 pounds) per year of fine particulates and 28.6 tons (57,220.4 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 2.8 tons (5,594.3 pounds) per year of NOx (nitrogen oxides), 9.7 tons (19,458.4 pounds) per year of SO2 (sulfur dioxide) and 1,435.1 tons (2,870,118.7 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO ₂	PM _{2.5}	CO ₂
Mobile	17.5	14.5	10.7	1.0	1463.7
Residential	7.1	0.8	0.6	0.8	28.6
Electrical Power		2.8	9.7		1435.1
TOTAL	24.6	18.1	21.0	1.8	2927.4

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 2.8 tons of nitrogen oxides per year and 9.7 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 to make structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. DNREC highly recommends the project development and other residential proposals increase the energy efficiency of homes and offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for new occupants.

State Fire Marshal’s Office – Contact: Duane Fox 302-856-5298

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):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains 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 Old Landing 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.

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 our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service has any objections to the Oak Creek Estates application. The site is located on a long-range development area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within a Investment Level 3 Area. The DDA requests that you consider limiting impervious cover as much as possible when designing this site. This site is a part of a “good recharge” area. The State of Delaware has mapped all ground water potential recharge areas. A “good” rating is the second highest rating and designates an area as having important groundwater recharge qualities. Maintaining pervious cover in “Excellent” and “Good” recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware. In addition, this site overlaps with the State’s Green Infrastructure Investment Strategy Plan. The Forest Lands layer is present in this site; this designation identifies areas that possess unique natural features that are valuable for preservation.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

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

Tree Mitigation

The Delaware Forest Service encourages the developer to implement a tree mitigation program to replace trees at a 1:1 ratio within the site and throughout the community. This will help to meet the community's forestry goals and objectives and reduce the environmental impacts to the surrounding natural resources. To learn more, please contact our offices at (302) 349-5754.

Public Service Commission - Contact: Andrea Maucher 739-4247

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

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

This proposal is to develop 228 units on 115 acres located on the east side of Old Landing Road and west of Rehoboth Beach. According to the State Strategies Map, the proposal is located in Investment Level 2 and 3 areas. DSHA supports this proposal because residents will have proximity to existing services, markets, and employment opportunities. Furthermore, the proposal targets units for first time homebuyers. For informational purposes, the most recent real estate data collected by DSHA, the median home price in the resort areas is \$306,000. However, families earning 80% of Sussex County's median income only qualify for mortgages of \$142,040. The provision of units within reach of families earning at least 80% of Sussex County's median income would help increase housing opportunities for low/moderate- income families.

Sussex County - Contact: Richard Kautz 302-855-7878

The Sussex County Engineer Comments:

The proposed project is within the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and connection to the sewer system is mandatory. The project is

within planning study and system design assumptions for sewer service. The proposed project can receive service in accordance with the attached Subdivision Review Comments dated August 18, 2003 and Change of Zone Review Comments dated November 14, 2003 from Sussex County.

Onetime System Connection Charges will apply. Please contact Mrs. Christine Fletcher at 302 854-5086 for additional information on charges. A disconnection permit including Sussex County onsite inspection and payment of System Connection Charges is required prior to issuance of a building permit.

Submission and approval of a sewer Concept Plan is required before submission and review of construction plans. A checklist for preparing sewer concept plans is attached.

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