



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

February 10, 2006

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

RE: PLUS review – PLUS 2006-01-05; Bethany Woods

Dear Mr. Cuppels:

Thank you for meeting with State agency planners on January 25, 2006 to discuss the proposed plans for the Bethany Woods project to be located on the south side of Fred Hudson Road, approximately 1.5 miles west of SR1.

According to the information received, you are seeking a residential planned community (MR-RPC) approval for 19 units on 12 acres in the Environmentally Sensitive Developing 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 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

- This proposal is located in an Investment Level 3 area according to the *Strategies for State Policies and Spending* and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas the State generally encourages development that respects the natural resources on and surrounding the site. As detailed in DNREC's comments, the proposal submitted presents numerous concerns as it relates to the environmental sensitivity of the site. Most notably, the area is entirely within the 100-year floodplain, an area that is prone to frequent flooding.

Street Design and Transportation

- Fred Hudson Road is classified as a local road. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- If there is sufficient dry land, DelDOT will also require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site on Fred Hudson Road.
- While they will not require a traffic impact study, DelDOT will require a summer traffic count at the intersection of Fred Hudson Road and McCoy's Way and an analysis to determine whether further improvements, e.g. left-turn or right-turn lanes are needed there.

Natural and Cultural Resources

- This development is inappropriate for the environmentally sensitive developing area and should not be approved without significant changes. This site is severely constrained by wetland and floodplain issues. The developer should provide a minimum 100-foot vegetated buffer from wetland lines, minimize the amount of trees removed and connect lot 19 to the rest of the development

- Based on a review of the submitted PLUS application, the applicant projects that only about 7% of this parcel will be rendered impervious following this parcel's development; however, this figure appears to be a significant underestimate given the scope and density of this project. It is strongly recommended that the applicant recalculate this figure to reflect actual development projections within the finalized project design plans.
- The area is entirely in the 100-year floodplain, in an area that is prone to frequent flooding. Any increases in density will result in higher flood risks and is discouraged.
- PLUS materials indicate that 6.6 acres of forest (79%) will be removed. The developer should remove only those trees necessary for construction activities. Forested areas provide water quality, air quality and habitat benefits. Clearing portions of the forest within the parcel will reduce the habitat value by allowing invasive species such as multiflora rose, oriental bittersweet and autumn olive to occupy the forest edge. Invasive species prosper in disturbed areas and pose a threat to mature trees and native shrubs. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. .

The only way to preserve forest on this site would be to reduce the number of lots and infrastructure or cluster the lots and roadways. At the very least, trees should not be cleared April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding.

The following are a complete list of comments received by State agencies:

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

This proposal is located in an Investment Level 3 area according to the *Strategies for State Policies and Spending* and in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. In these areas the State generally encourages development that respects the natural resources on and surrounding the site. As detailed in DNREC's comments, the proposal submitted presents numerous concerns as it relates to the environmental sensitivity of the site. Most notably, the area is entirely within the 100-year floodplain, an area that is prone to frequent flooding.

We ask that you work to address the State concerns, particularly as they relate to natural resources, as the proposal moves forward.

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

There is nothing known on this parcel. There is only a low potential for archaeological sites of any period here. This development will have no affect on historic properties.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Fred Hudson Road is classified as a local road. Local roads in Delaware typically have right-of-way widths ranging from 33 to 50 feet. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 30 feet from the centerline on local roads. Therefore DelDOT will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- 2) If there is sufficient dry land, DelDOT will also require that a paved multi-modal path, located in a 15-foot wide permanent easement, be provided across the frontage of the site on Fred Hudson Road.
- 3) While they will not require a traffic impact study, DelDOT will require a summer traffic count at the intersection of Fred Hudson Road and McCoy's Way and an analysis to determine whether further improvements, e.g. left-turn or right-turn lanes are needed there.
- 4) On January 18, 2006, Mr. John Fiori, the DelDOT project manager for Sussex County, and Bill Brockenbrough met with the applicant and his engineer to discuss their proposed access on McCoy's Way. As they had identified, Bill wrote to Sussex County in 1998 about the subject development, then called Bethany Courts, when it was proposed as multi-family dwellings. At that time McCoy's Way had not been built and he indicated that DelDOT would allow only one entrance onto Fred Hudson Road to serve both Salt Pond and the subject land. A copy of that letter is enclosed.

Previously however, and without Bill's knowledge, in 1991 the department had approved a plan for Salt Pond that did not mention the need for an easement to serve the subject land. Consequently, and because they lack detailed records on this property, DelDOT is unable to determine whether an easement was ever established in favor of Bethany Woods, granting them the use of McCoy's Way.

DelDOT still believes that McCoy's Way is the best access for the subject land and they are willing to meet with Mr. Judge and the developers of Salt Pond as

- necessary to facilitate an access there. If that cannot be arranged, DelDOT will consider granting a separate access on Fred Hudson Road.
- 5) The developer's site engineer should maintain the contact they have established with Mr. Fiori regarding DelDOT specific requirements for streets and access. He may be reached at (302) 760-2260.

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

Design Recommendation

This development is inappropriate for the environmentally sensitive developing area and should not be approved without significant changes. This site is severely constrained by wetland and floodplain issues. The developer should provide a minimum 100-foot vegetated buffer from wetland lines, minimize the amount of trees removed and connect lot 19 to the rest of the development.

Soils

Based on the Sussex County soil survey update Klej, Hurlock, and Mullica-Berryland were mapped on subject parcel. Klej is a somewhat poorly-drained transitional soil that is likely to contain both wetland and upland soil components. Hurlock is a poorly-drained wetland associated (hydric) soil that has severe limitations for development. Mullica-Berryland is a very poorly-drained wetland associated that has the highest severity level for development.

It should also be noted that some of the soils on this parcel are likely to have a seasonal high water table within a depth of one-foot from the soil surface. Building in such soils may leave prospective residents of this and adjoining properties susceptible to future flooding problems from groundwater-driven surface water ponding; this issue is of particular concern during periods of high-intensity long duration rainfall events associated with tropical storms/hurricanes or "nor'easters." Flooding probabilities may be further augmented by surface water runoff emanating from created forms of structural imperviousness (roof tops, roads, and sidewalks). Therefore, the applicant should refrain from building on lots containing mapped hydric soils or soils delineated as such by their consulting soil scientist, and reduce the amount of created surface imperviousness to the greatest extent possible.

Wetlands

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

These wetlands provide water quality benefits, attenuate flooding (important when building in the floodplain) and provide important habitat for plants and wildlife. A 100-foot vegetated buffer should be implemented 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.

According to the PLUS application, a wetland delineation was completed, and a jurisdictional determination has been obtained from the Army Corps of Engineers (although the State has not received a copy of it). Although impacts to wetlands are not anticipated, please note that palustrine 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) 739-9943 to schedule a meeting.

Impervious Cover

Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline. Based on analyses of 2002 aerial photography by the University of Delaware, the Inland Bays watershed (Indian River), at that time, had about 8.6 percent impervious cover. Although this data is almost 4 years old and likely an underestimate, it illustrates the importance of a proactive strategy to mitigate for predictable and likely cumulative environmental impacts. Since the amount of imperviousness generated by this project is likely to be much higher than the desirable watershed threshold of 10 percent, the applicant is strongly advised to pursue best management practices (BMPs) that mitigate or reduce some of the most likely adverse impacts. Reducing the amount of surface

imperviousness through the use of pervious paving materials (“pervious pavers”) in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are examples of practical BMPs that could easily be implemented to reduce surface imperviousness.

Based on a review of the submitted PLUS application, the applicant projects that only about 7% of this parcel will be rendered impervious following this parcel’s development; however, this figure appears to be a significant underestimate given the scope and density of this project. The applicant should be made aware that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks and roads) should be included in the impervious surface calculation. It is strongly recommended that the applicant recalculate this figure to reflect actual development projections within the finalized project design plans.

ERES Waters

This 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 11.5 of Delaware’s “Surface Water Quality Standards” (as amended August 11, 1999), 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). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, 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 shellfish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This 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 would 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. The applicant should be made aware that the assessment of a given project's environmental impacts and/or ability to meet the prescribed TMDL load reductions is highly dependent on an accurate accounting and inventory of all land uses and natural resources. In this project, the applicant appears to have significantly understated the amount of projected post-development constructed surface imperviousness (reported as 7%, but likely to be far higher). Since the amount of constructed surface imperviousness is an important variable in the nutrient budget protocol, oftentimes the major factor or determinant that decides whether a project meets the nitrogen and phosphorus load reductions specified by the TMDL, the applicant is urged to recalculate surface imperviousness in a more comprehensive manner by accounting for all planned forms of constructed surface imperviousness (i.e., roads, rooftops, and sidewalks).

Although a preliminary assessment of this project with the nutrient budget protocol model suggests that this project would meet the TMDL reduction requirements for nitrogen and phosphorus, it is apparent that the "low-ball" impervious cover estimate cited by the applicant (from the PLUS application) severely understates the likely post-development nutrient runoff impacts from this project. Until this figure is corrected to reflect reality, a definitive assessment of this project's environmental impacts cannot be reasonably made.

The applicant should also consider the use of BMPs and Best Available Technologies (BATS) to mitigate environmental impacts that enable the reduction of surface and subsurface nutrient runoff to levels sufficient to meet TMDL reduction requirements. Examples of BMPs or BATs that should be used to significantly reduce nutrient loading from this project include practices that prevent or mitigate for surface imperviousness, significant reductions in the amount of forest cover removal, maintenance of recommended wetland buffers, and the use of innovative or "green technology" stormwater methodologies. Again the applicant is encouraged to consider all of the above-suggested BMPs or BATs to ensure that these reductions are attained. We suggest that the applicant verify their project's compliance with the specified TMDL loading rates by running the model themselves (using a corrected impervious cover

figure). Please contact Lyle Jones of Watershed Section at 739-9939 for the acceptable model protocol.

Water Supply

The project information sheets state water will be provided to the project by Sussex Shores via a central water system. Our records indicate that the project is located within the public water service area granted to Sussex Shores under Certificate of Public Convenience and Necessity 89-CPCN-02.

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.

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 Sussex Conservation District. Contact 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, 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. Practices such as filter strips and biofiltration swales are best suited for this site.

If a non-erosive conveyance to tidal water is provided for the developed stormwater runoff, the project will be eligible for a waiver of stormwater quantity management. A waiver of stormwater quantity management must be requested in writing. However, each stormwater management facility should have an adequate outlet for release of stormwater, meaning that the conveyance to tidal water must be demonstrated to have adequate capacity to carry the developed runoff from the site to the tidal discharge point.

It is strongly recommended that you 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. As of July 1, 2005, a new two-step review process is now in place. The first step, referred to as the "Conceptual SWM Plan", does not require completion of the construction drawings for submission. Additional information, including checklists, regarding these new procedures is available on the Sediment & Stormwater Program Web site.

Due to the sensitive location of the site and proximity to wetlands, super silt fence should be used during construction. In addition, it is recommended that a Certified Construction Reviewer be used throughout the construction phase, including homebuilding.

Floodplains

The area is entirely in the 100-year floodplain, in an area that is prone to frequent flooding. Any increases in density will result in higher flood risks and is discouraged.

Forest Preservation

PLUS materials indicate that 6.6 acres of forest (79%) will be removed. The developer should remove only those trees necessary for construction activities. Forested areas provide water quality, air quality and habitat benefits. Clearing portions of the forest within the parcel will reduce the habitat value by allowing invasive species such as multiflora rose, oriental bittersweet and autumn olive to occupy the forest edge. Invasive species prosper in disturbed areas and pose a threat to mature trees and native shrubs. Therefore, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. In addition, the developer should provide the community with a detailed landscape management plan that outlines how to manage open space areas, as well as controlling for invasive species.

The only way to preserve forest on this site would be to reduce the number of lots and infrastructure or cluster the lots and roadways. At the very least, trees should not be cleared April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding.

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.

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.

Rare Species

The Delaware Natural Heritage Program has not surveyed these parcels, so they currently have no records of state-rare or federally listed plants, animals or natural communities at this project site. They do have records of *Pycnanthemum setosum* (awned mountain-mint) adjacent to this project site. As a result, the forested wetlands in the southern portion of the project site are within a State Natural Heritage Site. This is one of the criteria used to determine the presence of Critical Resource Waters. The final decision regarding Critical Resource Waters – if this is an issue – will be made by the U.S. Army Corps of Engineers (ACOE). The information above will aid ACOE in their determination.

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 1.5 tons (2,916.3 pounds) per year of VOC (volatile organic compounds), 1.2 tons (2,414.5 pounds) per year of NO_x (nitrogen oxides), 0.9 tons (1,781.5 pounds) per year of SO₂ (sulfur dioxide), 0.1 ton (158.6 pounds) per year of fine particulates and 122.0 tons (243,944.9 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 0.6 tons (1,176.3 pounds) per year of VOC (volatile organic compounds), 0.1 ton (129.4 pounds) per year of NO_x (nitrogen oxides), 0.1 ton (107.4 pounds) per year of SO₂ (sulfur dioxide), 0.1 ton (138.6 pounds) per year of fine particulates and 2.4 tons (4,768.4 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 0.2 tons (466.2 pounds) per year of NO_x (nitrogen oxides), 0.8 tons (1,621.5 pounds) per year of SO₂ (sulfur dioxide) and 119.6 tons (239,176.6 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	1.5	1.2	0.9	0.1	122.0
Residential	0.6	0.1	0.1	0.1	2.4
Electrical Power		0.2	0.8		119.6
TOTAL	2.1	1.5	1.8	0.2	244.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 0.2 tons of nitrogen oxides per year and 0.8 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. They highly recommend this project development and other residential proposals increase the energy efficiency of their homes.

They also recommend that the home builders 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 their new occupants.

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):

a. **Fire Protection Water Requirements:**

- 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.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **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 McCoy’s Way 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.

c. Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

d. 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”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- 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

The Delaware Department of Agriculture has no objections to the Bethany Woods application. The site is located on an environmentally sensitive developing area. The *Strategies for State Policies and Spending* encourages environmentally responsible development in areas within an Investment Level 3 Area. This site is a part of a “good recharge” area. DNREC has mapped all ground water potential recharge areas. A “good recharge” rating is the 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.

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.

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.

Department of Education – Contact: John Marinucci 739-4658

Accommodation of DelDOT and State Fire Marshal requirements for road widths, turning radii and fire lanes will address the needs of school bus access.

The Department requests that the developer work with the local school district transportation department to establish developer supplied bus stop shelter right-of-way and shelter structure(s) located as determined and recommended by the local school district.

Sussex County – Contact: Richard Kautz 855-7878

Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how environmental issues and the PLUS comments have been addressed and how the plan has been revised accordingly.

The Sussex County Engineer Comments:

The proposed project plans to obtain a change of zone from MR to MR/RPC for 19 residential units on 12.2 acres in the Environmentally Sensitive Developing area, which results in a gross density of 1.56 units per acre. The project is within the boundaries of the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District. As proposed, the project is within the EDU allocation based on the South Coastal Area Planning Study update 2005. Have the owners of the private street (McCoys Way) agreed to have the entrance of the proposed project use their road?

A sanitary sewer concept plan must be submitted and approved prior to any construction plan review. Also, please note system connection charges will be due prior to receiving any building permits. Contact Ms. Brooke Dayton at (302) 855-7719, concerning the system connection charges.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,



Constance C. Holland, AICP
Director

CC: Sussex County