



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

July 21, 2006

John Plummer
615 Eastern Shore Drive
Salisbury, MD 21804

RE: PLUS review – PLUS 2006-06-02; Clearlake

Dear Mr. Plummer:

Thank you for meeting with State agency planners on June 28, 2006 to discuss the proposed plans for the Clearlake project to be located on Route 54, $\frac{3}{4}$ of a mile east of Route 504.

According to the information received, you are seeking site plan approval for 130 residential units on 86 acres located in Investment Level 4.

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.

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

Office of State Planning Coordination – Contact: Herb Inden 739-3090

This project represents a major land development that will result in 130 residential units in an Investment Level 4 area according to the *2004 Strategies for State Policies and Spending*. This project is also located outside of a designated growth area in relevant

municipal and county certified comprehensive plans. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring new residents to an area where the State has no plans to invest in infrastructure upgrades or additional services. These residents will need access to such services and infrastructure as schools, police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, 100% of school transportation and paratransit services, up to 80% of school construction costs, and about 90% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State is opposed to this proposed subdivision.

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

The Division of Historical and Cultural Affairs is not in favor of this development in Level 4, because it will increase the loss of the historic agricultural landscape in this area, have adverse visual and noise effects on neighboring historic properties, and lead to the loss of historic properties within the parcel.

The Spears agricultural complex (S-6663) is located on the road in the southern part of the parcel. There is only a low to moderate potential for prehistoric-period archaeological sites here. Beers Atlas of 1868 shows the G. Ellis House, which appears to be at the location of the agricultural complex (S-6662) just cut out of the northern parcel on the east side and an Ellis Tenant House, which appears to be at the location of the Spears property or possibly just outside of the southern parcel to the west.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Ellis House, and the developer is aware of an existing cemetery on the northern parcel. While the cemetery has been enclosed in a lot within the development,

to avoid this cemetery fully and avoid triggering Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains, the developer is advised to hire an archaeological consultant to delineate the extent of any unmarked burials around the known ones. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. Once the delineation is final, the cemetery needs to be protected in perpetuity by some kind of preservation easement or covenant. The DHCA will be happy to discuss these issues with the developer; the contact person for this program is Faye Stocum, 302-736-7400.

If this development does proceed, they recommend that the developer provide sufficient landscaping to block any noise and visual effects from the neighboring historic property. We would appreciate the opportunity to document the Spears complex prior to any demolition activities. We would also appreciate the opportunity to examine this area for archaeological sites, to learn something about their location, nature, and extent prior to any ground-disturbing activities.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

Clearlake Properties, LLC, seeks to develop an 86-acre parcel (Tax Parcel 5-32-19.00-02.00) west of Delmar, on both sides of Delaware Route 54 east of Providence Church Road (Sussex Road 504) and more specifically on the east edge of the proposed Blackwater Creek subdivision. The development would consist of 130 single-family detached houses. The land is zoned AR-1 and the proposed development would be done by right.

Because the development is proposed for a Level 4 Area, outside of the County growth zone, it is inconsistent with the *Strategies for State Policies and Spending*. As part of our commitment to support the *Strategies*, DelDOT refrains from participating in the cost of any road improvements needed to support this development and is opposed to any road improvements that will substantially increase the transportation system capacity in this area. DelDOT will only support taking the steps necessary to preserve the existing transportation infrastructure and make whatever safety and drainage related improvements are deemed appropriate and necessary. The intent is to preserve the open space, agricultural lands, natural habitats and forestlands that are typically found in Level 4 Areas while avoiding the creation of isolated development areas that cannot be served effectively or efficiently by public transportation, emergency responders, and other public services.

DelDOT strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in approved Comprehensive

Plans. DelDOT encourages the use of transfer of development rights where this growth management tool is available.

If this development proposal is approved, notwithstanding inconsistencies with the relevant plans and policies, DelDOT will provide technical review and comments.

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

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

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

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. Of particular concern are the loss/fragmentation of 13 out of 43 acres of forest. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any

kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Soils

According to the Sussex County soil survey, Evesboro, Kenansville, Woodstown, Fallsington, and Pocomoke were mapped on subject parcel. Evesboro is an excessively well-drained upland soil that has moderate limitations on account of its rapid permeability. Kenansville is a well-drained upland soil that has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington and Pocomoke are poorly to very poorly-drained wetland associated (hydric) soils that have severe limitations for development.

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. The developer should maintain a 100-foot buffer vegetated buffer from the edge of the wetland complex and Browns Branch. The developer should note that both DNREC and the U.S. Army Corps of Engineers (USACE) 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.

This project is located directly adjacent to sensitive headwater or near headwater riparian wetlands associated with Blackwater Creek. Protection of Blackwater Creek and its associated wetlands is important for the protection of water and habitat quality throughout the length of the stream, including the floodplain system downstream. In recognition of this concern, the Watershed Assessment Section strongly recommends the applicant consider preserving/enhancing as much of the existing forested buffer as possible, or restoring an equivalent upland buffer (containing either indigenous or planted native species) that is at least 100-foot in width. Studies have shown that an upland buffer width of 100-foot is the minimum buffer width necessary to mitigate impacts from development. Stormwater management ponds should not be included or considered within the 100-foot upland buffer.

Wetland Permitting Information

PLUS 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.

Please note that impacts to palustrine wetlands are regulated by USACE through Section 404 of the Clean Water Act. In situations where the applicant believes that the delineated wetlands on their parcel are nonjurisdictional isolated wetlands, the Corps must be contacted to make the final jurisdictional assessment. They can be reached by phone at 736-9763.

In addition, individual 404 permits and certain Nationwide Permits from Corps 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

Based on a review of the submitted PLUS application, the applicant projects that only about 25 percent 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 verify whether their post-development projections realistically reflect the actual amount of created post-development surface imperviousness.

Studies link increases in impervious cover to decreases in water quality. Based on analyses of 2002 aerial photography by the University of Delaware, the Broad Creek watershed had about 6.4 percent impervious cover. Although this data is about 4 years old and likely an underestimate, it underscores 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 significantly 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.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Broad Creek. 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. In the Broad Creek watershed, “target-rate-reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

TMDL Compliance through the PCS

As indicated above, Total Maximum Daily loads (TMDLs) for nitrogen and phosphorus have been proposed for the Broadkill Watershed. The TMDL calls for a 40% reduction for nitrogen and phosphorus from baseline conditions. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

Some additional Best Management Practices that may help this proposed project meet TMDL reductions are wider vegetated buffers along watercourses, increasing passive, open space, using enhanced nutrient removal wastewater technologies, and the use of stormwater management treatment trains.

Water Supply

The information provided indicates that Tidewater Utilities will provide water to the proposed projects through a central public water system. Our files reflect that Tidewater Utilities does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. They will need to file an application for a

CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any 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. 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

Standard Comments:

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 Jessica Watson, Program Manager, at (302) 856-7219 for details regarding submittal requirements and fees.

It is strongly recommended that you contact the Sussex Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion.

A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be submitted to the 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.

Each stormwater management facility should have an adequate outlet for release of stormwater. Any drainage conveyed onto this site from neighboring properties must be adequately conveyed through the site to the discharge point without interruption.

Clearly address how Stormwater Quality and Quantity Treatment will be provided. If this project is eligible for a Quantity Waiver, please make the request in the stormwater narrative citing the specific regulation.

Please indicate on the sediment and stormwater management plan who shall be responsible for maintenance of the stormwater management facilities both during construction and after. During the design of the sediment control and stormwater management plan, considerations should be made for maintenance (i.e. access, easements, etc.) of any structures or facilities.

If a stormwater management pond is going to be utilized as a sediment trap/basin during construction it must be designed to accommodate 3600 cubic feet of storage per acre of contributing drainage area until project stabilization is complete.

All ponds are required to be constructed per Pond Code 378.

Please note that if the stormwater facilities will impact wetlands, a permit must be provided to the District prior to receiving approval. Please address.

Site-Specific Comments:

A Certified Construction Reviewer (CCR) is required for this project.

The District will require a phased plan and sequence of construction for this project. DNREC regulations require no more than 20 acres to be disturbed at more time. Please address.

Under the DNREC Health and Safety Memo of 2000, all wet ponds are required to have an open space depth of 3 feet or more that comprises 50-75 percent of the area of the pond.

Consideration should be made for any adjacent properties during the design of this project, including drainage and erosion/sediment control.

Please demonstrate that you have an adequate outfall for this project.

Please provide a soil survey report for each SWM basin.

Please incorporate “Green Technology BMPs” in the stormwater management design as stated in Section 10.3.5.1 of the regulations.

Please provide SCD with a copy of the AutoCAD drawings and HydroCAD files to expedite the review process.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure be pulled out of the forest and areas of community open space be designated along the forest and wetland areas. Doing so will create recreational opportunities for residents by allowing them access to and views of the forest.

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.

Forest Preservation

It is unclear how the applicant calculated forest loss as 13 acres out of 43 when the forested areas of this project are not preserved as open space but rather contain all lots and infrastructure. We strongly recommend the applicant consider reducing the number of lots and associated infrastructure, especially lot #s 108-130 which occur within a large continuous forest block. Forest fragmentation such as that proposed separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Further, when forested areas are converted into 'residential woods', some wildlife species must disperse into the surrounding areas which can result in increased interactions on the roadways. Human/animal conflicts result from those species that remain in the area.

Tree clearing for homes and infrastructure should be minimized. The developer should not be permitted to clear the site prior to construction, but rather leave as many trees as possible. If the proposed forest loss is still going to occur despite our strong objections, trees should not be cleared from April 1st to July 31st to minimize impacts to birds and other wildlife that utilize forests for breeding. This recommendation will serve only to protect those species during the breeding season, as once trees are cleared the result is an overall loss of habitat.

Site Visit Request

DNREC has not surveyed this property, therefore, it is unknown if there are state-rare or federally listed plants, animals or natural communities at this project site that would be affected by project activities.

In order to provide more informed comments and to make reasonable recommendations, our program botanist and zoologist request the opportunity to survey the forested and wetland resources which could potentially be impacted by the project. This would also allow the applicant the opportunity to reduce potential impacts to rare species and to ensure that the project is environmentally sensitive. Please contact Bill McAvoy or Kitt Heckscher at (302) 653-2880 to set up a site visit.

Plant Rescue

Because there is forest and wetland loss associated with this project, we recommend that the developer/landowner contact the Delaware Native Plant Society to initiate a plant rescue. Selected plants from the site of disturbance will be collected by Society members and transplanted to the Society's nursery. Plants will then be used in restoration projects and/or sold at the Society's annual native plant sale. This can be done at no expense or liability to the developer/landowner. Please contact Lynn Redding at (302) 736-7726 or lynn.redding@ml.com

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 6.6 tons (13,200.1 pounds) per year of VOC (volatile organic compounds), 5.5 tons (10,928.8 pounds) per year of NO_x (nitrogen oxides), 4.0 tons (8,063.5 pounds) per year of SO₂ (sulfur dioxide), 0.4 ton (717.8 pounds) per year of fine particulates and 552.1 tons (1,104,171.8 pounds) per year of CO₂ (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.7 tons (5,324.2 pounds) per year of VOC (volatile organic compounds), 0.3 ton (585.8 pounds) per year of NO_x (nitrogen oxides), 0.2 ton (486.2 pounds) per year of SO₂ (sulfur dioxide), 0.3 ton (627.4 pounds) per year of fine particulates and 10.8 tons (21,583.1 pounds) per year of CO₂ (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.1 tons (2,110.1 pounds) per year of NO_x (nitrogen oxides), 3.7 tons (7,339.6 pounds) per year of SO₂ (sulfur dioxide) and 541.3 tons (1,082,588.6 pounds) per year of CO₂ (carbon dioxide).

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	6.6	5.5	4.0	0.4	552.1
Residential	2.7	0.3	0.2	0.3	10.8
Electrical Power		1.1	3.7		541.3
TOTAL	9.3	6.9	7.9	0.7	1104.2

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.1 tons of nitrogen oxides per year and 3.7 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 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 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:**

- 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 Delmar 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.

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 proposed development is in an area designated as Investment Level 4 under the *Strategies for State Policies and Spending*. The *Strategies* do not support this type of isolated development in this area. The intent of this plan is to preserve the agricultural lands, forestlands, recreational uses, and open spaces that are preferred uses in Level 4 areas. The Department of Agriculture opposes development which conflicts with the preferred land uses, making it more difficult for agriculture and forestry to succeed, and increases the cost to the public for services and facilities.

More importantly, the Department of Agriculture opposes this project because it negatively impacts those land uses that are the backbone of Delaware's resource industries - agriculture, forestry, horticulture - and the related industries they support. Often new residents of developments like this one, with little understanding or appreciation for modern agriculture and forestry, find their own lifestyles in direct conflict with the demands of these industries. Often these conflicts result in compromised health and safety; one example being decreased highway safety with farm equipment and cars competing on rural roads. The crucial economic, environmental and open space benefits of agriculture and forestry are compromised by such development. We oppose the creation of isolated development areas that are inefficient in terms of the full range of public facilities and services funded with public dollars. Public investments in areas such as this are best directed to agricultural and forestry preservation.

This site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Crop Land layer is present over the entire site. This designation identifies areas of the state that are viable and valuable agricultural cropland. Areas such as these should be preserved as such, and not developed for residential use.

The Delaware Department of Agriculture supports growth which expands and builds on existing urban areas and growth zones in approved State, county and local plans. Where additional land preservation can occur through the use of transfer of development rights, and other land use measures, we will support these efforts and work with developers to implement these measures. If this project is approved we will work with the developers to minimize impacts to the agricultural and forestry industries.

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 Karen Horton 739-4263

This proposal is for a site plan review for 130 single-family residential units on 86 acres located on Rt. 54 east of Rt. 504. According to the *State Strategies Map*, the proposal is located in an Investment Level 4 area. As a general planning practice, DSHA encourages residential development only in areas where residents will have proximity to services, markets, and employment opportunities, such as Investment Level 1 and 2 areas outlined in the *State Strategies Map*. Since the proposal is located in an area targeted for agricultural and natural resource protection, and therefore inconsistent with where the State would like to see new residential development, DSHA does not support this proposal.

Department of Education – Contact: John Marinucci 739-4658

DOE recognizes that this development project is in level 4 of the State Strategies for Policies and Spending and as such, DOE does not support the approval of this project. DOE offers the following comments on behalf of the Delmar School District:

1. Using the DOE standard formula, this development will generate an estimated 65 students.
2. DOE records indicate that the Delmar School Districts' *secondary schools are at or beyond 100% of current capacity* based on September 30, 2005 secondary enrollment.
3. This development will create additional middle and high school student population growth which will further compound the existing shortage of space. The developer is strongly encouraged to contact the Delmar School District Administration to address the issue of secondary school over-crowding that this development will exacerbate.
4. DOE requests developer work with the Delmar School District transportation department to establish developer supplied bus stop shelter ROW and shelter structures, interspersed throughout the development as determined and recommended by the local school district.

Sussex County – Contact: Richard Kautz 855-7878

The developer should provide the stub road access to adjacent property as requested by DelDOT for the Blackwater Creek Northfarm project.

The State Wetlands map indicates the possibility of wetlands impacting the location of proposed subdivision lots and roads. Therefore a jurisdictional determination letter should be provided to support the proposed design for that area and that the lot layout does not contain any wetlands. This letter should be obtained prior to the request for approval of any final plan.

The Sussex County Engineer Comments: The proposed project is within the boundaries of the Western Sussex Planning Area boundary. Sussex County is currently conducting a planning study to determine expected needs of the planning area. The planning study is anticipated to be completed by fall 2007.

The project proposes to develop using a private central community wastewater system. We recommend that the wastewater system be operated under a long-term contract with a capable wastewater utility. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and

specifications. A review and approval of the treatment and disposal system by the Sussex County Engineering Department is also required and plan review fees may apply. Disposal fields should not be counted as open space. Wastewater disposal fields should be clearly identified on recorded plots.

If Sussex County ever provides sewer service, it is required that the treatment system be abandoned and a direct connection made to the County system at the developers and/or owners expense.

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